SPEECH
OF
HON. SAM. HOUSTON
OF
TEXAS.

THE LAND CONSPIRACIES OF TEXAS.

THE HERO OF SAN JACINTO

ON CORRUPTION IN HIGH PLACES.

SPEECH OF GOV. HOUSTON,

OF TEXAS,

ON THE CASE OF JUDGE WATROUS.

BEING A GRAND EXPOSÉ OF FRAUDS AND CORRUPTIONS

EXTENDING OVER THE LIMITS OF THE UNION.

THE following Notices of the Press may serve to indicate the general and pervading interest of this great speech, as a contribution to the history of the country; as a summary of a case more strongly marked, perhaps, in its features of popular interest, in its story, in its romance of crime, and in all its practical bearings, than any other in the judicial records of the country; and as a noble and eloquent vindication of our civil liberties from the encroachments of an insolent and corrupt judiciary.

From the Southern Intelligencer.

In powerful combination and invective it has had no superior since the orations of Cicero against Catiline, in the Roman Senate. No speech ever made in Congress is of such momentous interest to Texas.

From the Washington Star.

Never, perhaps, was given from the halls of Congress a more startling recital of deeds. We believe it a compendium of some of the most startling events that have ever marked our national annals. . . . . The reflection forcibly occurs—how terrible must have been the misdeeds of this man (Watrous), thus to evoke against himself the united voice of the people of a State, of every party, interest, and complexion; and, on the other hand, we are brought to consider what powerful influences must have been employed to drown the voice of an outraged people; and, in disregard of all the interests of public justice, States rights, and undoubted expediency, to deny them even a hearing before the bar of the United States Senate.

From the New-Orleans Delta.

The *Delta* ascribes the well-earned fame of Gov. Houston—a warrior and a statesman for half a century—to "his indomitable energy and his fearless denunciations of a corrupt and shameless judiciary."

From the Houston Telegraph.

A speech of unsurpassed interest and importance. He narrates the story of the conspiracy with all the thrilling interest and dramatic effect of which he even is capable, and yet with the impression ever fastened upon the mind of the reader that it is a plain, unvarnished recounting of facts, with neither extenuation nor malice.

From the Crockett Argus.

To find a great speech, such as this, well matured, both as to facts and deductions, addressing itself to correct sentiment, wherever found, and contending for the purity of one of the most important departments of the government, is a rare treat, and at once carries us back to the better days of the republic. For this treat we are indebted to General Houston, and no differences, great or small, growing out of recent politics, shall restrain the acknowledgment.

From the American Flag.

The noble old hero took upon himself to vindicate the honor of his State. . . . . Nobly and witheringly has he performed the task. He

makes disclosures of the most startling character, and reads the letters of the parties in proof; he exposes the workings of a regularly organized company of speculators, in which Judge Watrous and some of our own acquaintances are conspicuous actors, and makes out a case conclusive and damning.

Wm Henry Harrison

SPEECH

OF

HON. SAM HOUSTON,

OF TEXAS,

EXPOSING

The Malfeasance and Corruption

OF

JOHN CHARLES WATROUS,

JUDGE OF THE FEDERAL COURT IN TEXAS,

AND OF HIS CONFEDERATES.

DELIVERED IN THE

SENATE OF THE UNITED STATES, FEB. 3, 1859.

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1860.

SPEECH

OF

HON. SAM HOUSTON.

(Delivered in the Senate of the United States, February 3, 1859.)

In pursuance of a notice, I ask leave to introduce a bill to repeal so much of the act of February 21, 1857, entitled "An act to divide the State of Texas into two judicial districts," as creates and establishes a district court of the United States in the eastern district of the State of Texas, and to incorporate the same with the western district of said State.

Before the motion is put, however, I desire to make some remarks explanatory of its object.

I might have claimed this as a privileged question; but not wishing to do so, I have determined to submit the remarks which I wish to make in relation to it on the presentation of this bill. I need not inform the honorable Senate, or you, Mr. President, that a subject of much excitement has occupied the attention of the Congress of the United States, in relation to the impeachment of one of the judicial officers of Texas.

From the reflections which have been cast upon the character of Texas, I feel called upon to vindicate her reputation, and to stand up in the maintenance of her

rights, and, as I conceive, her good character. I find it has become historic in the proceedings of the other House, and before the committee of investigation, that reflections of the most unwarrantable character have been cast, not only upon the general character of Texas, but upon her citizens at large. In the first place, I find in the answer of Judge Watrous before the committee, that he alleges these facts as the reason for the clamor which he contended was raised against him. He has the effrontery to affect a tone of injured innocence, and says:-

"I should have much more respect for the manliness which should have disclosed the real cause of the assault. As to the 'divers citizens' whose rights had been improperly invaded, they must, of course, be the defendants in the only two suits which I had tried. Can it for a moment be supposed that, in trying these two very ordinary suits, I could have been guilty of such enormous outrages as to call for or to justify this anomalous and this clandestine mode of procedure? The mystery is solved by the simple fact that the decision of one of the cases involved the construction of the statute of limitations, to which so many of the emigrants to Texas had looked as a sure and certain protection against those creditors whom they had left behind, and who were so unreasonable as to follow them into the country of their adoption, and commence suits upon the liens which had been created upon the property to secure the payment of these debts. It was, indeed, a just subject of complaint that the statute of limitations was not declared to be a sponge to wipe out all the debts of the citizens of Texas. If I had put the construction on the statute required by the exigencies of the case and the popular cry; if I could have been driven from my position by any of the means resorted to; if I had consented to surrender my reason and my judgment, and to tamper with my conscience and my oath, these resolutions would never have been heard of; and I should have glided smoothly down the

stream of popular favor, and have been enabled to taste the 'froth from every dip of the oar.'"

I find also in the *Globe* that a most zealous speech was made in advocacy of Judge Watrous by a gentleman from New Hampshire (Mr. Tappan), and that, in debating the subject of impeachment when the resolutions were under discussion in the House, he not only retracted a former judgment of Judge Watrous's guilt, but sought to protect him by indulging in aspersions upon the State and citizens of Texas, who were his accusers. This uncalled-for and wicked defamation, made before the country, calls for reply and for rebuke. The gentleman, with others who were interested with him in the defence of Judge Watrous, showed such utter disregard of the facts as to assert that the resolutions of the State urging the resignation of the judge, "grew out of the fact of a decision made by him, which touched the pockets of a good many citizens of Texas."

I request the close attention of honorable Senators to a history which it is now time to divulge, of one of the most extraordinary and monstrous conspiracies ever formed by the ingenuity of man, and under the incitements of plunder. I design to make a full and authentic *exposé*, which circumstances now call for, of a conspiracy against the public domain of Texas, of the most enormous designs, conceived in the most grasping and comprehensive spirit of fraud, armed with the most extraordinary resources, enlisting talents and power, and all the ingenuities of intellect in its execution, and involved in its progressive steps, in a secresy that would

adorn a romance, and extending, in its ramifications, through different parts of the Union—I know not where.

The history I propose to recite, with strict adherence to the evidence in my possession, a part of which has been slumbering until this time, not designing to indulge in any assertions, or in any criminations not fully warranted by the text of the testimony.

In the first place, it is necessary to explain the condition of the public domain of Texas, at the period when the history of the appalling conspiracy referred to commenced. In the year 1837, by a general law of Texas, large donations of land were made to those who had arrived, and settled in the country previous to 1836, the date of her declaration of independence; to married men one league of land, and to those who were unmarried, one third of a league.

Under this law boards of land commissioners were appointed, whose duty it was to investigate all claims on the government for head-rights to lands, and to grant certificates to such persons as furnished the requisite proofs of their being entitled to the same. Many of these boards betrayed their trust, and perpetrated frauds of the most alarming magnitude, assigning large numbers of certificates to fictitious persons. These frauds came to be of the most open and notorious character; so much so, that cases could be instanced where, to counties not numbering more than one hundred voters, nine hundred certificates were issued by the fraudulent action of these boards. The amount of these false certificates reached at last to such an overwhelming number, that

on the 5th day of February, 1840, a law was enacted, visiting the most severe penalties on the crime of making, or issuing, or being concerned in the making or issuing, any such fraudulent or forged certificates, and providing that those who issued, or dealt in, or purchased or located, or who were concerned in the issuing, or dealing in, or purchasing or locating, these fraudulent land certificates, should be punished by thirty-nine lashes on the bare back, and by imprisonment from three to twelve months in the discretion of the judge. A law was passed about the same time, forbidding the survey of any land claimed under these certificates, until certified to be correct by other boards of commissioners, appointed to examine into and detect the frauds by which the bounty of the Republic had been abused, and an attempt made to despoil it of its domain.

Senators will be enabled, by the light of the legislation to which I have referred, to comprehend, on unimpeachable authority, the distressed and terrible condition of affairs in Texas, about the year 1840, with reference to her public lands. It is not necessary to accept the truth of the statement of the enormous and frightful frauds which threatened to devastate the Republic, robbing it of millions of acres of its public domain, on the faith of the popular clamor, or even on that of the general history of the time; for we have here the special and severe legislation of the State, attesting the justice of the public alarm, and defending her interests against the advances of the stupendous fraud that threatened to engulf the fortunes of herself and of her people. To

this we may even add the high testimony of the Supreme Court of the United States, which at a subsequent date we find confirming the just causes of terror that had so agitated the Republic of Texas on the subject of these certificates, in the following terms:—

"Immense numbers of these certificates were put in circulation, either forged or fraudulently obtained, which, if confirmed by surveys and patents, would soon have absorbed all the vacant lands of the Republic."

To those who were adventurous in crime, and daring in its exploits, a rich and tempting field was opened in the wide extent of these fraudulent land certificates. Detection was dangerous; but the prize was great in proportion to the danger. It was natural to suppose, too, that detection might be baffled by the resources of a company extending to distant points, and enlisting in its enterprise of fraud men of capital, of position, and of comprehensive ingenuity; and men who, so long as they escaped the thirty-nine lashes, would not care for public reproaches; and, so long as they saved their backs from public stripes, would laugh to scorn that lash which public indignation may put "into the hand of every honest man, to whip the rascals naked through the world."

John C. Watrous was appointed Federal Judge in Texas, on the 29th of May, 1846, soon after the admission of the State into the American Union. Some time previous to January, 1847, we find a land company organized in the city of New York, the main object of which was to speculate in the fraudulent Texas land certificates, and to endeavor to have them validated through

the machinery of the courts. This company was composed of Messrs. J. N. Reynolds, J. S. Lake, Judge Watrous, O. Klemm, McMillen, Williams, &c. The only citizen of Texas who appears to be in the company is John C. Watrous, United States district judge, with circuit court powers.

The object of introducing Judge Watrous into this banded association, is not left to mere conjecture. I will presently show what facilities it was designed to give to the removal of suits from Texas and Texas juries, and it may be well understood how the high position of Judge Watrous might be lent to the advancement, in various respects, of the interests of the company, and how his court might be prostituted, if he, a willing tool for gain, submitted to the vile offices of fraud.

To accomplish these purposes, there were also imported into Texas about the date of the formation of the company referred to, two attorneys in their service—Ovid F. Johnson, of Pennsylvania, and William G. Hale, of New-Hampshire.

Thus we find the conspiracy armed for the prosecution of its designs, having an active promoter in a judicial officer high in position, and having for its confederates parties whose names and positions have not yet been fully disclosed.

It appears that nearly the entire interest was represented in the city of New-York, the commercial metropolis of the country, famous, indeed, more for its enterprises of good than for those magnificent adventures of fraud that form startling episodes in the history of a great commercial city.

In a letter which I will here submit, there are some names given of members of the conspiracy, including that of Judge Watrous:

"NEW-YORK, November 14, 1847.

"DEAR SIR: This will introduce to you my friend, O. F. Johnson, Esq., on his way to Texas, where, for the future, he intends to reside. Mr. J. was here, and being one of us, was present in several conferences with Messrs. Lake, Judge Watrous, Klemm, McMillen, Williams, &c., in reference to our Texas enterprise. He can tell you all, and more than all of us could by letter. I expect to see you before the 10th December.

"Yours, truly, "J. N. REYNOLDS.

"Messrs. MARTIN & Co., New-Orleans, Louisiana."

It will be noticed that to the list of names in the letter there is the significant affix of *et ceteri*.

It appears from the correspondence of the association, passages from which I shall presently submit, that the general term even included Phalen, which was not divulged in the list referred to, although he was president of the association! Who else is included in the term *et ceteri?* They may be upon the bench; they may be in the halls of Congress; they may be in positions of seeming respectability; they may be any and everywhere. The country is left to imagine the extent of the conspiracy, with enough known to stimulate the desire to know more.

The plot is concerted in the city of New-York, the great city for the speculative and dramatic enterprises of trade. The curtain rises there, and we find the *dramatis personæ*, as far as revealed in the bills, in Judge Watrous, Reynolds, Lake, Klemm, Williams, and McMil-

len. It will be instructive of the plot to pass in review the public characters of some of the actors.

J. N. Reynolds, a New-York politician, who appears to be an active manager of the affairs of the company, is the individual of that name who was charged with receiving from Lawrence, Stone, & Co., a compensation of $1,500 for lobbying a tariff scheme in Congress.

Joseph L. Williams is an ex-member of Congress from Tennessee; was a witness in behalf of Judge Watrous, in the investigation made in 1852, into the judge's official conduct as to the very frauds in which it now appears he was a confederate; and has resided during the past and present sessions of Congress in this city, where he has been actively defending Judge Watrous.

Of Messrs. Lake and Klemm, and of their mode of transacting business, we find some curious accounts in one of the numbers of "De Bow's Review," in the year 1848. (See October and November numbers, pp. 262, 263, treating of the connection of these gentlemen with the bubble banking system.)

The article tells us that—

Mr. J. S. Lake was formerly canal commissioner, and became the largest stockholder in the Bank of Wooster, [Ohio,] an institution never in good repute, and which was on the point of failing three years ago, together with the Norwalk and Sandusky banks, in connection with the exploded bubble called the bank of St. Clair, Michigan. The capital of the Wooster Bank was $249,450; of that there stood in Mr. Lake's name $171,900. Mr. Lake then moved to New-York, and commenced business as a broker under the firm of J. S. Lake & Co., in Wall street. The Co. was his son-in-law, O. Klemm, who was doing business in Cleveland under

the firm of O. Klemm & Co., the Co. being J. S. Lake, in New-York. Klemm was also cashier of the bank. Those gentlemen performed all the business of the bank: that is to say, Mr. Klemm purchased with its means eastern drafts, and sent them to Lake for collection; Lake making his returns occasionally, the other directors knowing but little of the transactions. With the large amount of the means derived from the Wooster Bank, Lake & Co. speculated in produce, on which they acknowledged a loss of $150,000, and they started three other Ohio banks, besides buying the Mineral Bank of Maryland and a bank in Texas." * * * "Here, then, Lake & Co. had borrowed of the public on small notes through four banking machines, one laying the foundation of the others, $936,398."

Mr. Lake's banking operations were extended to Texas, under circumstances which make it evident that they were particularly designed to further the gigantic land conspiracy conducted there by Judge Watrous, and to furnish additional resources of power in the execution of their plans. We find this confederate of Judge Watrous securing the only bank charter in Texas. The mother bank was established at Galveston, Judge Watrous's home; and its president was Samuel M. Williams, whose name has been prominently brought forward in the late investigation into Judge Watrous's conduct in connection with the La Vega eleven-league grant; also with the grant in the Ufford and Dykes suit; and with the forged power of attorney introduced into both these suits.

Further: we find that, simultaneous with the institution of the Cavazos suit (which involved an immense amount of property—an embryo city, a port of entry, numerous villages, and valuable government improvements—and in which Judge Watrous's conduct was

charged to have been fraudulent and corrupt), a branch bank is established at Brownsville, which is included in the Cavazos grant. Of this branch bank, Reynolds, one of the land company, and its active agent, is appointed manager or president. He appears to have entered into these banking operations with great spirit, judging from his letters in relation to the affairs of the land company, in which he speaks of importing "trunks full" of notes, and adverts to the lands on the Rio Grande, where his bank was located, as "an empire worth fighting for." I will read extracts from these letters, as they throw light on the general subject, which may be instructive:

"NEW-YORK, November 14, 1847.

"DEAR SIR: * * * * The first plate is done, and the second is under full way. We had a very pleasant time when Klemm and McMillen were here. Mr. Williams, with whom you have become acquainted, was here, and we had a supper at Delmonico's. Johnson was with us, also Lake and Judge Watrous. Mr. Lake is hurrying like Jehu, and says we must be off, so that you, Mc, and I, shall leave New-Orleans by the 10th. I am not half ready to leave, but suppose I shall be tumbled off with a *trunk full.*

"Yours, truly, "J. N. REYNOLDS.

"To —— ——."

"NEW-YORK, May 6, 1847.

"MY DEAR SIR: I shall endeavor to leave here for Philadelphia on Monday next. I am extremely anxious to see you; and Mr. Phalen, the president of our association, has business in Baltimore—he will leave on Saturday—so that on his return through your city we may all have an interview together.

"I send you a map of our survey on the Rio Grande—an empire worth fighting for. * * * *

"J. N. REYNOLDS.

"To O. F. JOHNSON, ESQ."

It may be easily understood what service these bubble banks might perform, or might be expected to perform, in furnishing resources of power to the land company, and particularly in a small community like that of Brownsville. No exertion of power, or resort of ingenuity, seems to have been left untried by the conspirators to compass their infamous ends.

A United States judge was secured as a confederate; attorneys were imported into the country to give vigor to the speculation; and banks were established to subserve the ends of the conspiracy. All the transactions of different members of the company seem to have been "part of one stupendous whole," banded in one common design of plunder; and a rivalry seemed to exist, as to who should grasp the larger fortune in the land controversies of Texas.

To convey some idea of the fearful magnitude of the operations of this land company, I may state that it appears from the action of the Senate of Texas on the subject, that they extended to twenty-four millions seven hundred and thirty-one thousand seven hundred and sixty-four acres of land, besides being implicated in the proceeds of other interests of immense value, to which I shall presently allude.

To give some idea of the confidence which appears to have animated this vast conspiracy, I may here introduce a letter in which Reynolds, one of the principal financial conductors, proposes to another member of the conspiracy, to have still another judicial district created "in the glorious country their locations covered," and

to secure the appointment of judge there. It seems that these parties were not satisfied with having enlisted the services of one federal judge to promote the ends of their conspiracy; they were anxious to perfect their organization by securing the appointment of still another judge in their interest, to share the labors of his honor John Charles Watrous. I will read the brief but interesting disclosures made in the letter I have alluded to. Here it is:

"BRANCH OF THE COMMERCIAL AND AGRICULTURAL BANK OF TEXAS, AT BROWNSVILLE,

"*December* 11, 1850.

"MY DEAR JOHNSON: * * * You have seen the report recently published in the 'Republic,' of the glorious country our locations cover. I think you can gain it: and then get a law passed for a new United States district, and take the appointment. I would go on at the heel of the session, and log-roll for you if necessary.

"Yours truly,

"J. N. REYNOLDS."

The members of the company seem to have a great aptitude for "log-rolling," and the disreputable appliances of the lobby. They must have considered themselves very potential in this respect, to judge from the frequent propositions of the kind. They had supreme confidence in themselves; and their continued success seems to have inspired the belief that there was naught too difficult or too high for spirits like theirs to dare.

As a further instance of the determined courage of these honest gentlemen, and their resolves to do or die,

I am tempted here to give one other extract of a letter from Reynolds to Johnson, written at New-York. It suggests, too, the desperate character of the enterprise for which the writer required men of "nerve" to adventure in the boat now floating down the stream of success, but which might at any time be dashed upon the rocks. He writes as follows:

"NEW-YORK, *May* 4, 1847.

"MY DEAR SIR: * * * "We play for empire, and will see it to the end. If you find any of your moneyed friends who have the nerve to go into this boat with us, at this stage of our voyage, I will give them an interest on the most favorable terms. As to the value of the lands there can be no doubt. Does the Judge talk of coming North? Yours truly,

"O. F. JOHNSON, Esq." "J. N. REYNOLDS.

From the point to which I have now reached, in the narration of the facts as to the organization, the object, and the means of this company, the history becomes more interesting, inasmuch as it directly involves the acts of Judge Watrous, and exposes, over their own signature, in letters, the shameless schemes of the members of the company, to corrupt the courts of the United States.

The first movement of the parties in the court seems to have been the institution of a made-up suit, to test the question how far the fraudulent land certificates might be validated by the action of the courts. The suit was brought in Judge Watrous's court, by Phalen, a citizen of New-York, against Herman, a citizen of Texas, on a promissory note for three thousand dollars, dated 5th July, 1846, at ninety days.

The inspection of the correspondence of the land company betrays the fact that this man Phalen was the president of that company, and a confederate of Judge Watrous.

The defence was that the note was given for a fraudulent, and therefore worthless land certificate.

The petition in the suit was filed on the 21st of January, 1847.

The answer was filed on the 22d of the same month.

The transfer to New-Orleans, on application of the plaintiff, was made on the next day after, the 23d. Thus, in less than seventy-two hours from the institution of the suit, it was transferred to New-Orleans, on application of the plaintiff. All this was done out of term time.

The transcript was filed there (New-Orleans) on the 11th of February. The trial was commenced on the 16th of that month; and the case was finally submitted, for decision, on the 23d of March.

Thus we see, that in sixty odd days from the filing of the petition, the case was put at issue, transferred, tried, and submitted. It appears that in the pleadings at New-Orleans, it was admitted by the plaintiff that the certificate which he (Phalen) had sold to Herman for three thousand dollars was a *fraudulent one*, issued to a fictitious person.

It appears, moreover, that Judge Watrous had informed one of his confederates in the land association (Reynolds) of the transfer of the suit referred to, actually before it had been commenced in his court! In a letter

from Reynolds to Johnson, dated the 10th of February, 1847, he says:

"Judge Watrous informs me, by letter of the 19*th ultimo*, that you were to leave the next day, from Galveston, for New-Orleans, in charge of our land case, with the view of bringing it before the circuit court of that district."

This information was given on the 19th of January; the suit was not even instituted until the 21st of that month.

I will now read some of the correspondence in my possession, that passed between members of the land company touching the conduct of this suit:

"NEW-YORK, *February* 10, 1847.

"DEAR SIR: Judge Watrous informs me, by letter of the 19th ultimo, that you were to leave the next day, from Galveston for New-Orleans, in charge of our land case, with the view of bringing it before the circuit court of that district. And I hear from Major Holman, that you were daily expected in Philadelphia. I write therefore, at present, merely to say, that if you are in New-Orleans, that I have caused Mr. Grimes to be written to by one of our associates, and that he will join you in the case. I am very anxious to have your views briefly on the prospect; and if you will keep me advised of its progress, it will lay me under an obligation I shall take pleasure in requiting. In my judgment, *the least possible notoriety should attend the case in New-Orleans*, no matter what the result may be. Nor do I think it was the best policy to have pressed the courts of Texas. They may be easily made to follow the law, while they have not the nerve to pronounce it.

"You will please call on Mr. Grimes. Let me hear from you.

"Yours truly,

"J. N. REYNOLDS.

"OVID F. JOHNSON, Esq."

"NEW-YORK *May* 22d, 1847.

"MY DEAR SIR: Can you not contrive through Jennings, of New-Orleans, to get at the Judge's opinion? His mind must, ere this, have been made up. Tell Jennings to get it out of the clerk of the district or of the circuit court. Tell him that you must have it for me in advance of the mail. Do your *best to have the decision go off quietly in New-Orleans. As Jennings is now interested*, tell him that he must work to our hands. All this you can do from your acquaintance with him. You may promise him your influence as to the future, and it will not be less potential than the Duke. I would give anything to know at this moment, as I could so much better shape my action with Mr. M. Indeed, if we get a favorable opinion, and have the news in advance, I shall go by lightning to Texas.

"J. N. REYNOLDS.

"OVID F. JOHNSON, Esq."

The declarations of these letters, perhaps, surpass anything ever seen in a correspondence of this nature, in shameless effrontery, and the betrayal of corrupt intentions. It is openly advised that "the best should be done to have the decision *go off quietly* in New-Orleans;" that "*the least possible notoriety* should attend the case." It is recommended that dishonorable influences should be used with the officers of the court there; and it is admitted that they had been made interested in the case. Not satisfied with the part he had already taken in the making up and direction of this suit, but rivalling his confederates in the steps taken towards influencing officers of the court, we find Judge Watrous leaving his court at Galveston, to attend the court at New-Orleans during the progress of the suit; thus giving an influence to his views and interests by his presence and countenance.

On the 30th of June, 1847, a decision was given in the case of Phalen *vs.* Herman, in the court of New-Orleans, in favor of the plaintiff, declaring the fraudulent certificate sued on to be valid, and giving judgment for $3,000. Here the curtain drops in New-Orleans; but without a day's intermission rises again, in continuation of the plot, in Texas.

With reference to this Phalen suit we find the following judgment expressed in a series of resolutions passed in August, 1856, by the Senate of Texas, but at too late a day in the session to obtain the action of the other legislative House:—

"Said judge [Watrous] is guilty of obtaining and attempting, by contriving and carrying on a made-up suit in his own court, to validate in the same over twelve hundred fraudulent land certificates, claimed by himself and his 'compeers,' and of a class—in all the enormous amount of twenty-four millions three hundred and thirty-one thousand seven hundred and sixty-four acres—of fraudulent certificates, thereby attempting to deprive his country of a vast domain, besides causing the State the cost of additional counsel in defending herself against such enormous preconcerted spoliations; and, on discovery of his interests in said class of certificates being made, said judge transferred said suit for determination to the United States court in another State, after shaping the case and influencing that court in such a manner as to obtain his desired judgment."

It will be observed from what I have stated of the sudden translation of the conspiracy from New-Orleans to Texas, that there is no pause in the progress of the drama; the scenes are shifted with almost incredible swiftness; and when the interest might seem to flag, we find a new character introduced into the drama to

challenge our admiration of the versatility and resources of the plotters.

Thus we find, on the very day of the rendering of judgment in the Phalen suit at New-Orleans, Thomas M. League, a new character in the play, but sufficiently well known as a partner of Judge Watrous in his land speculations, and an ally in all his enterprises, intervenes, and institutes a suit in the State court of Texas, as the transferee of the identical fraudulent certificate that had been declared valid in the United States district court at New-Orleans. This Mr. League will be found to be a conspicuous party throughout the whole system of fraud dealt out through Judge Watrous's court. In a resolution adopted by the Senate of Texas, in 1856, just referred to, his connection with the judge is pointedly alluded to; and it is stated:

"That it is believed by many good citizens that said Watrous, in connection with Thomas M. League, and other compeers, are directly or indirectly interested in most of the important suits brought in his court."

It will be well to keep an eye on this Mr. League, and to note his association with the enterprise of the fraudulent certificates; for there will hereafter be shown his connection with other and later schemes of judicial fraud, carried out through the machinery of Judge Watrous's court.

It would appear, from the evidence taken before the committee of the House, in the investigation into Judge Watrous's conduct, an attempt is made to have it appear that League's connection with him dated from the

inception of the Lapsley frauds, in 1850; but here we have the fact to note of his previous connection with the judge's land speculations; and find him, in 1847, at the head and front of the nefarious land certificate conspiracy. His connection with Watrous was a general one, and contracted with a common design, whenever and wherever opportunity offered.

The object of this suit, instituted by League, was to compel the surveyor to survey the land called for in the certificate. Thus we have the case brought into the State court, backed by the authority of a precedent decision, declaring this fraudulent certificate valid. The manner of thus bringing it may be explained by that passage in the letter of Reynolds, in which he says:

"Nor do I think it was the best policy to have pressed the courts of Texas, *They may be easily made* to follow the law, while they have not the nerve to pronounce it."

The case was decided in Galveston, the court sustaining the surveyor in his refusal to survey under such certificate; whereupon an appeal was taken to the supreme court of the State, at Austin.

Now to exhibit more fully the connection of Judge Watrous with these suits, and with the general affairs of the land company, I will here read a letter which appears to have been addressed by William G. Hale, on the subject of this case, on the 14th of March, 1847, to Judge Watrous, who was then at New-Orleans, being the same time when the Phalen suit was pending there.

"AUSTIN, *March* 14, 1847.

"MY DEAR FRIEND: I have written several letters to you at Galveston, which your trip to New-Orleans has probably prevented from reaching you. They contained some particulars which it is important for you to know, and I will briefly recapitulate them.

"*Our case* was docketed No. 504, nearly at the heel now, although some new appeals have come up. As the court is going over the docket regularly, and has about reached No. 250, it would be some time before we could get a hearing; but we expect to bring it in during the absence of the lawyer here, on the spring circuit. Hemphill speaks of taking a vacation in his turn. You will find more about it in my other letters. We have been looking over the case carefully, and have, we think, discovered some *new* points.

"Col. ——, from Nacogdoches, was here a short time ago, and being connected through some business, with Colonel ——, communicated to us several startling pieces of intelligence. He says Miner has been riding about his part of the country, endeavoring publicly to buy up the certificates, but the large holders, being generally men of some respectability, would not associate with him, or listen to his offers; that he was thus compelled to traffic with the lowest class of bar-room vagabonds, who palmed off upon him *forged* and *duplicate* certificates, and boasted openly of cheating him, in all the 'groggeries.'

"This may, or may not, be correct; Miner, not the seller, may have been the cheater; but it shows the necessity of additional caution, and, coupled with his former conduct, furnishes, perhaps, a good ground for restraining him in his course. * * *

"Col. Ward refuses to patent islands. A *mandamus* will be necessary.

"I have inspected the titles of the *Nueces*, and will have an opinion ready. * * * * * * * * *

"We have had a long interview with Mr. Hedgcoxe, the agent of Peters colony, and are arranging matters.

* * * * * * * * *

"Ever yours, "WILLIAM G. HALE.

"Hon. JOHN C. WATROUS, *New-Orleans, Louisiana.*"

I ask the particular attention of honorable Senators to the terms and expressions of this letter; the trading with "*bar-room vagabonds;*" the likelihood of the sellers of these certificates having been "cheated" in the trade; and the chuckling tone of congratulation in the assertion of the probability of "Miner being the *cheater not the seller.*" It is to be recollected that this letter was to Judge Watrous himself. It was about "our case." Here is the letter of the "dear friend," the counsellor, the agent of a United States district and circuit judge, informing him of trades made for his (the judge's) benefit, with drunken vagabonds, and chuckling over the cheats thought to be imposed upon the dirty and miserable bar-room gangs with whom it was found necessary to carry on their criminal commerce. Here is the principal, Judge Watrous, judge of a federal court, adopting the acts of this smart agent, participating in the low swindling of bar-room vagabonds, and through the letters of his agent, communing with himself, and congratulating himself on the fruits of the lowest and most debased exploits of fraud.

It must be recollected, too, that this commerce in land certificates, openly treated of between Judge Watrous and his agent, was in violation of a law, of a highly penal character, punishing the offender with the infamy and pain of thirty-nine public stripes on the bare back.

Here also is another letter, which I will read, from the same William G. Hale to O. F. Johnson, directly indicating Judge Watrous's active connection with the

suits referred to, and with the procurement of fraudulent land certificates:

"GALVESTON, *July* 5, 1847.

"MY DEAR SIR: Colonel ———, Judge Watrous, and myself, received the 'legal papers' and your letter. Judge Norton happened, by the merest good fortune, to be here at the time, and Trueheart also; so the whole matter was arranged here and by a trip to Houston.

"We altered the petitions materially, owing to many reasons which have sprung up since you left. Judge Watrous will explain them to you at length. All the papers were sent to San Antonio by Colonel Wilson, a partner of Trueheart, who pledged himself to have them filed by the 20th of last month. That directions should be sent from New-York on the first of June, and in a matter of such difficulty, and be executed in San Antonio on the 25th, is one of those lucky chances which rarely happen.

"I have received several letters from the trustees of the Peters Association, and have written to them explaining some matters. What arrangement did you make with *them* as to fees; and will they advance anything?

"Our other matters remain in *statu quo*. The Stafford cases have given us much trouble, but we shall get out the attachments in a few days. We may, however, have to promise the sheriff, as an incentive, the $175, which, as you wrote us, the banks agree to advance for expenses.

"Judge Toler is quite anxious about the 'Grant claims.' The papers in Holman's hands I hope you will be able to procure. The original certificates of the grant, ninety-seven in number, have been just found among Judge W.'s papers. Toler said he would be at the North this summer. A. Allen has already gone on. I suppose you have seen him. He will give you some trouble in arranging this matter.

* * * * * * *

"Judge Watrous will be in New-York about the first of August. He has been detained here by business.

"Very truly yours,

"WILLIAM G. HALE."

The papers referred to in the above letter, as sent to San Antonio, by Colonel Wilson, were fraudulent land certificates, exceeding one million acres, besides an indefinite number which Hale, in his instructions to Wilson, designates as "No. 2, a list of those in the hands of Miner," the agent referred to in the letter from Hale to Watrous, as dealing with bar-room vagabonds, and cheating them for the benefit of his principal.

I may here introduce another letter from Hale to Johnson, showing the prosecution of the designs of the conspirators, as dealing in these fraudulent certificates, in defiance of the penal statute, and showing also the great estimation of the advantage of having these certificates put into a company stock, and "managed" by Judge Watrous and his confederates; for to secure this advantage, one hundred and fifty thousand out of three hundred thousand acres is offered as a premium:

"AUSTIN, *February* 24, 1847.

"MY DEAR SIR: * * * Colonel —— met here with an old acquaintance, Colonel ——, and, what is more to the purpose, a large landholder in the East. Through some former business connections with him, —— was able to persuade him to an arrangement most advantageous to us. —— holds about sixty of the rejected—ah! call them not fraudulent!—and thinks he can secure as many more. He is willing to give us half in order to have the others put into the company stock, and located and managed with the rest; most kindly offered to divide with us, so that this arrangement will secure us about thirty more leagues, or one hundred and fifty thousand acres *contingently*. —— has gone home now to obtain them. He speaks in the most disrespectful terms of Miner and his management.

"Miner is here, and going to San Antonio. I have, most strangely, received no letter yet from Judge Watrous, respecting the final settlement with the 'little fellow,' nor the survey and the engagement of Hay, but I expect one daily. Miner's presence will complicate matters, I am afraid. * * *

"WILLIAM G. HALE."

The expression of this letter "ah! call them not fraudulent," is curious for its flippant irony. It reminds one of the same self-complacency with which, in a formerly-quoted letter, he opines his agent, Miner, to be "the cheater, not the seller."

To return to the history of the case which Mr. League had taken in hand. At the December term of the Supreme Court of the United States, judgment was rendered, affirming the judgment of the Supreme Court of Texas, declaring the certificate invalid and void.

It might have been supposed that after the judgment of the Supreme Court of Texas, the high Court of Appeals, and, finally, after the decision of the Supreme Court of the United States, against the validity of the certificate, further efforts on the part of the company would have been hopeless. But what vitality, what ramifications, what resources, must they have possessed, when we find them daring, at the last, as I shall show, to anticipate exerting an influence on the United States Supreme Court itself? This, certainly, was a fitting climax to audacity and assertion of power. Thus we find this branch of the scheme of the conspirators expiring with an adventurous and desperate effort to retrieve their fortunes by improper influences with the Courts; the last effort, still characteristic, and still sig-

nificant of the comprehensive grasp and connections of this most extraordinary combination.

As exposing the honest proposition of exerting an influence on the Supreme Court of the United States, I will here read from a letter from Mr. Joseph L. Williams on this subject, to whom, it appears, was and is allotted the Washington branch of the company's operations:

"WASHINGTON CITY, *November* 1, 1851.

"DEAR SIR: * * * Your suggestions as to the proper course for our party to pursue, in respect to the *Salt Lake*, commanded, as they still do, my most earnest attention. Not doubting that you have most thoroughly viewed this triangular title—not hearing from Mr. Reynolds on this point, and of course unadvised of his peculiar views in detail, in relation thereto—I must say that I most fully concur in your views of our best policy. Time is on the wing. A few years more, and Mr. Reynolds and I border on "the sere and yellow leaf." Of immense value, the property admits of a very long division. A protracted litigation, in quest of the lion's share, divests us virtually of all, and secures something only to our legal representatives. *Dum vivimus, vivamus.* So say I. Of our party, Mr. Reynolds holds the major interest; perhaps nearly all. Compared to his, my right is small. Thus, I feel some delicacy in obtruding any conclusion of mine against any deliberate judgment of his. I have the utmost confidence in his judgment and discretion.

"I am also sure that all that can be compassed by energy and perseverance, he (Reynolds) will accomplish. And yet, he may be impelled by the rivalry to evade an obsolete title on the one hand and a fraudulent one on the other, backed, as it is, by the perjured tyrants of a petty and venal Legislature. Hence, you will oblige me by assuring our old friend Reynolds that while, under the peculiar circumstances, I venture my mite of advice, in confirmation of yours, with due deference to him, I yet offer it most urgently. Please, therefore, show him this letter. As he is of course famil-

iar with all the positions stated in your letter, they need not be detailed in this paper. My health, though far better than when I saw you here, under so many months of the care of Dr. Francis, of New-York, is still by no means reliable. If this thing can be made available during the short life I have yet probably before me, I am very anxious to see that result.

"I find much of your matter of reliance in the big suit, in Bibb's Reports. This casually led me, the other day, to bring the case to the notice of ——. He seems perfectly familiar with every precedent and doctrine applicable to this case, and its whole class, and he says it is quite impossible for the Supreme Court, on deliberate review and consideration, to abandon, right, reason, and customary law, on account of one casual act of stultification at the last term. *I shall not omit the part of striker with certain members of the Court, which I told you I would see to. I am already here for the purpose. I will persuade Catron, of Tennessee, to take the case under his especial charge.*

* * * * * * *

"JOSEPH L. WILLIAMS."

It has been shown, incontestably, that Judge Watrous was a member of the conspiracy, in the furtherance of whose designs Williams was acting. The part assumed by this man as "striker" with certain members of the Supreme Court, was, to all intents and purposes, the act of Judge Watrous himself. He (the judge) was responsible for the acts of his confederates, having entered into a conspiracy with them for their mutual profit, and with a common design. Such is the rule of evidence. Such is the irresistible conclusion to be made in cases of this nature, according to the authority which I will here read, from the great, and universally admitted text-book on the subject of evidence, which is no doubt familiar to honorable Senators:

"The evidence in proof of a conspiracy will, generally, from the nature of the case, be *circumstantial*. Though the common design is the essence of the charge, it is not necessary to prove that the defendants came together and actually agreed in terms, to have that design, and to pursue it by common means. If it be proved that the defendants pursued by their acts the same object, often by the same means, one performing one part, and another another part of the same, so as to complete it, with a view to the attainment of that same object, the jury will be justified in the conclusion that they were engaged in a conspiracy to effect that object. Nor is it necessary to prove that the conspiracy originated with the defendants, or that they met during the process of its concoction; for every person entering into a conspiracy or common design already formed, is deemed in law *a party to all acts done by any of the other parties, before or afterward, in furtherance of the common design*."—3 *Greenleaf*, sec. 93.

This rule for determining the responsibility of Judge Watrous, I would have borne in mind, as I shall proceed to develop the acts of the different conspirators in the prosecution of their common schemes of fraud.

What state of things could exist, or can be imagined, that would more loudly and imperiously call for resolutions such as were passed by the Legislature of Texas, in the name of an outraged people, against the *judicial plunderer* and conspirator, who was aiming to coin his fortunes by forgery and fraud the most stupendous? A copy of these resolutions I beg to submit here for the consideration of honorable senators:

"JOINT RESOLUTION

"*Whereas*, it is believed that John C. Watrous, judge of the United States district court for the district of Texas, has, while seeking that important position, given legal opinions in causes and questions to be litigated hereafter, in which the interests of indi-

viduals and of the State are immensely involved, whereby it is believed he has disqualified the court in which he presides from trying such questions and causes, thereby rendering it necessary to transfer an indefinite and unknown number of suits, hereafter to be commenced, to courts out of the State for trial; and whereas it is also believed that the said John C. Watrous has, while in office, aided and assisted certain individuals, if not directly interested himself, in an attempt to fasten upon this State one of the most stupendous frauds ever practised upon any country or any people, the effect of which would be to rob Texas of millions of acres of her public domain, her only hope or resource for the payment of her public debt; and whereas his conduct in court and elsewhere, in derogation of his duty as a judge, has been marked by such prejudice and injustice toward the rights of the State, and divers of its citizens, as to show he does not deserve the high station he occupies: Therefore,

"*Be it resolved by the Legislature of the State of Texas*, That the said John C. Watrous be, and he is hereby requested, in behalf of the people of the State, to resign his office of judge of said United States Court for the district of Texas.

"Sec. 2. *Be it further resolved*, That the Governor forward the said John C. Watrous, under the seal of the State, a copy of the foregoing preamble and resolution; also, a copy to each of our Senators and Representatives in the Congress of the United States.

"Approved, *March* 20, 1848."

An absurd and abortive attempt has been made by Judge Watrous, and some of his especial advocates, to explain the feeling that prompted the passage of these resolutions, by the fact that he had given an unpopular decision on the statute of limitations. Indeed, Judge Watrous in his printed answer to the charges assigned against him, adopts this preposterous assertion as his principal defence, and appears to suggest, that instead of himself being the criminal, the people of Texas are

so dishonest and depraved, that the standards of morality he has adopted in his court, are too high for them to appreciate and conform to. The falsehood of this, is only exceeded by the obliquity of the shameless man who utters it. In making such a statement in his answer, he knew that he was stating what was untrue in fact, and false in spirit. And further, I shall prove that he not only stated what was untrue, but was constrained to convict himself of it before the committee that inquired into his conduct.

In his answer to which I have reference, Judge Watrous has the effrontery to assert that his ruling in the case of the Union Bank *vs.* Stafford, on the statute of limitations, brought upon him the censure and denunciation conveyed in the resolutions of the Legislature. This was worse than puerility, for it proved to be utterly untrue. The Stafford suit was not even instituted until some months after the resolutions had been passed by the Legislature.

This essential fact Judge Watrous thought to suppress; but when the committee called for witnesses from Texas, and he had reason to suppose that his falsehood would be detected, he was then fain to acknowledge it, and to make the humiliating and self-convicting request of the committee to withdraw his answer, committing him to the falsehood, from the files, so that he might suppress the public evidence of his infamy, at least in this particular.

In 1852, the matter of the judge's nefarious dealings in fraudulent land certificates, was brought to the at-

tention of Congress, and this charge among other matters of crimination, was assigned against the judge, in a memorial of William Alexander, a citizen of Texas. Only three witnesses, however, out of twenty-one, asked for by the prosecution, were sent for, and these three not witnesses to any one of the specifications pending against the judge. The committee reported the evidence insufficient; the House failed to act in any way on the matter, and the facts, therefore, of the case, remained undeveloped and occult, and the justice of it unvindicated.

The Legislature of Texas, at its last session, instructed the Representatives of that State to urge the trial of Judge Watrous on all the charges against him; and in obedience to these instructions, the Hon. Mr. REAGAN, who, in part, represents the State in the other branch of Congress, had the memorial of Mr. Alexander taken from the files, and referred to the Judiciary Committee for investigation. Mr. REAGAN urged an investigation of the charges contained in that memorial; and in his speech in the House on that subject, states:

"I also offered to the committee to make the charge against Judge Watrous, that he had sold three fraudulent league certificates to a gentleman by the name of Lowe, of Illinois, for about six thousand dollars, when he knew the certificates to be fraudulent, void, and worthless; and when, by the laws of Texas, to sell such certificates was a crime of the grade of forgery, and punishable with a most ignominious penalty. And I proposed to prove this charge by a part of a record which I had from the district court for Galveston county, Texas, and by the testimony of gentlemen who were then here as witnesses in this case from Texas.

"But Judge Watrous resisted my right to make these charges,

and the committee felt themselves bound by the action of the House on the Alexander memorial, as these were a part of the charges contained in that memorial, and declined to hear the charges. I then gave notice to Judge Watrous, and his counsel, General Cushing, that when the House came to act on the report of the committee, I should bring these things to the attention of the House, so that if, by such means, he should elude a trial and escape justtice, the Representatives of the people, and the people of the nation, through our proceedings, should know how it was done."

Here I might rest on the proofs already submitted of JudgeWatrous's deep and dire offences in connection with the land company, to the extensive operations of which I have but briefly referred. But I conceive that the just interests of my State, and those of some of her most valued citizens, who have been injured, misrepresented, and betrayed by the machinations of this conspiracy, require that I should extend the narrative to other principal facts.

I have already made brief allusion to the operations and designs of the conspiracy in the direction of the Rio Grande. This branch of the speculation deserves, on account of its great importance, a fuller development of the facts connected with it.

The Cavazos grant was one of immense value, and constituted a tempting prize to the grasping and rapacious spirit of these land speculators, with whom Judge Watrous was actively connected. It lies about sixty miles on the Rio Grande; about forty miles on the Gulf of Mexico, and the Laguna Madre; and about sixty miles on the Sal Colorado. It contains about two hundred and fifty thousand acres of land. It embraces

within its limits, as claimed by Cavazos, the town or city of Brownsville; also, Point Isabel, which is the site of the custom-house, and the port of entry for the Rio Grande country; besides numerous villages or ranches, and also valuable government sites and improvements. With the expectation of occupying the upper portion of the Rio Grande country, "an empire worth fighting for," it was necessary for the company to have this coast-outlet to complete their gigantic scheme. Point Isabel was the only coast-outlet for the great salt lake of Texas, that lay within sixty miles of it, and that constituted an inexhaustible source of wealth. This great principality that commanded the outlet of the Rio Grande country, and that so abounded in all the elements of wealth, was reputed to be owned by some eight Mexican families.

The salt lake I have referred to was another grand prize, which the land company was seeking to grasp through the aid of Judge Watrous. I shall presently show how this under-plot, too, was conceived and conducted in the progress of the sweeping and overwhelming designs of the vast combination.

Returning, however, to Galveston, to watch the progress of these honest gentry, with reference to the Cavazos grant, we find John Treanor and William G. Hale meeting there. It appears they there concoct a suit. This suit is represented by John Treanor, as the agent of all the Mexican families, or parties represented to be owners of the Cavazos grant. It is instituted by Allen and Hale; and the allegations of the complaint are verified

by the affidavit of John Treanor, claiming to be agent as aforesaid. This man Treanor appears to be a notorious person in the district of the Rio Grande, to judge from the testimony of Brevet-Major W. W. Chapman, of the army, when stationed at Fort Brown, who briefly describes him in a public official letter, as "a man without *character or standing* in the community." Sufficient indications of his character, however, are given in the part assumed by him and his confederate, Hale, in this Cavazos case. It appears from the record of this case, that at least five of the Mexican families or parties claimed to be represented, had never given any authority whatever for the institution of the suit; and as to one of the five, Treanor himself was constrained to admit that his interest was diametrically opposed to the claim, for the establishment of which he had been made a party plaintiff. Here, then, in the very inception of the suit, we see fraud prominently and boldly standing out. In the whole progress of the suit, too, we remark John Treanor and William G. Hale as the managers throughout. Their numerous affidavits support the case to the end. In no part of the proceedings do we find the complainants acting or participating. It is Treanor, the "man without character or standing," and William G. Hale, the agent and attorney of the land company, I have been referring to, the intimate friend of Judge Watrous.

It appears, moreover, that for purposes of collusion, it was managed that Hale and Johnson, the two lawyers imported for purposes already referred to, should take opposite sides. Further than this, and to still greater

outrage of justice, it appears from the record that James N. Reynolds, a member of this New-York land company, is appointed by Judge Watrous United States' Commissioner at Brownsville, to take testimony. Thus the company, or its members, were represented by their agents and attorneys, who act as counsel on different sides of the case, and by Reynolds, the active manager of their affairs, who, as United States commissioner, took the principal testimony for the defence, which it evidently appears to have been the object of the company to defeat.

The fact of collusion, the committee of investigation in the Thirty-fourth Congress have determined unanimously, and in passing judgment upon it, they say:

"In the case of Cavazos *et al.*, *vs.* Stillman *et al.*, the record affords sufficient evidence to satisfy the committee that there was collusion between the solicitors for the complainants and a part of the solicitors for the defendants, and that a part of the defendants, or one of them at least, Jacob Mussina, was defrauded and betrayed by such collusion. They would further state, that there is evidence to satisfy them that a part of the defendants were concerned in the conspiracy, and that the judge of the court knew of the collusion during the pendancy of the suit."

I may also suggest here, that it will be found profitable to fix attention upon the man Treanor, as hereafter he will be found figuring in another important matter in active connection with Judge Watrous.

I am disinclined to trespass upon the time of the Senate, by following this Cavazos case through its tortuous progress, and to its final acts of injustice and oppression. What little I have said of the patent fraud, in its inception and management, will prepare the minds of honor-

able Senators to understand the conclusions arrived at by the committees of investigation in the House, as to the consummation of the conspiracy, and fraud by the wrongful decisions of Judge Watrous on the side of his confederates, Hale and Treanor.

The committee of the Thirty-fourth Congress conclude their report by saying:

"The committee have examined numerous records, consisting of pleadings, orders of court, affidavits and depositions, and after a patient and laborious research, they have reluctantly come to the conclusion, that the conduct of Judge Watrous, in the case, above referred to, cannot be explained without supposing that he was actuated by other than upright and just motives; that in his disregard of the well-established rules of law and evidence, he has put in jeopardy and sacrificed the rights of litigants."

In the present Congress, we have a report from a moiety of the Judiciary Committee, which, on the Cavazos branch of the case, presents the following summary and well-sustained judgment:

"Every irregular or wrongful decision of the judge was in favor of the complainants and against the defendant, Mussina, and those occupying a similar position, and was to their particular injury. By maintaining the proceeding as one rightfully brought on the chancery side of the court, these defendants were illegally deprived of their right to a trial by a jury, and were compelled to submit to an adjudication upon their rights to the property in such a manner that the decision would be final and conclusive as to the title of the property, instead of one upon the right of possession, which would at once have been pronounced, on the law side of the court in an action of ejectment. By maintaining jurisdiction over the case, when a portion of the defendants, as well as the plaintiffs, were aliens, these defendants were deprived of their

rights to have the questions involved in it decided by the courts of Texas, to whose jurisdiction they were rightfully amenable, and whose laws were to govern in that decision. By admitting incompetent witnesses to testify, their rights were affected by evidence given by persons who had an interest in the litigation adverse to theirs. And, finally, they are prevented from having the decision against them reviewed in the appellate court by the failure of the judge to perform his full duty to them in facilitating the exercise of the right of appeal, given to them by law, from motives of public policy, for their own private advantage; and that, too, when there is reason to believe that the decree by the court is not in conformity with the principles of law, as recognised in Texas. Such a course of action continued through the whole progress of a cause, in favor of some of the parties and against others, is, to our minds, conclusive evidence of the existence of a purpose, on the part of the judge, to favor one party or set of parties, at the expense and to the injury of others, which is inconsistent with an upright, honest, and impartial discharge of the judicial functions. And this, we believe, constitutes a breach of that 'good behavior' upon which, by the Constitution, the tenure of the judicial office is made to depend."

It appears that a decree was rendered in the Cavazos suit, in the month of January, in favor of Cavazos and others.

After the rendition of the decree, suits in ejectment became necessary. At this juncture we find Judge Watrous again acting and making a wrongful and tyrannical order for the exclusion from jury service in his court (on the regular panel) of the citizens of the four Rio Grande counties of Cameron, Hidalgo, Star, and Webb.

By the deputy marshal, whose term of office depended on the pleasure of the judge, jurors are *selected*—not taken from the jury list of the State, as the law requires;

not even drawn or balloted for—to attend the United States court at Brownsville; *all* from Galveston, a distance of several hundred miles. They are taken from this distant place, that is the home of Judge Watrous, and of his confederates, Hale and League. These Cavazos suits had been pending in Galveston, and adjudications been had on some of them. They were a subject of notoriety there; and had naturally given rise to much popular discussion and conversation, with reference both to the questions and the interests involved.

Thus, it appears that to accomplish the purpose of the judge more fully, the citizens of four counties were dishonored and deprived of important civil privileges, and the law was violated.

They were not taken from different parts of the State, as is the custom in the United States courts, but from the narrow circle of the judge's own home and neighborhood. A schooner is chartered by the deputy marshal, to carry them to the court at Brownsville. There are also selected by the deputy marshal, a company of strolling players to serve as jurors, and placed on board this schooner. Judge Watrous, himself, is a *compagnon de voyage.*

Honorable Senators may imagine the scene, the small, coasting, gulf schooner, freighted with jurymen and players, and the United States district and circuit judge.

I have, in a brief manner, referred to the collusion in the Cavazos suit, which Judge Watrous knew, and which he countenanced, to the prejudice and betrayal of at least one of the defendants, Mr. Jacob Mussina.

The evident position of matters, and the reports of the committees on the subject, from which I have read, show that Mussina was without any power to enforce his rights, and without any chance to obtain them in the determination of this case in Judge Watrous's court. He then applied for redress to the courts of his domicile in Louisiana; and finding the parties there who were accused in the committee's report referred to, as having colluded in the Cavazos suit, and as having "defrauded and betrayed him," he sued them for the collusion and frauds they had practised to his prejudice, in Judge Watrous's court, and otherwise. This suit was commenced on the 1st of November, 1851; it was tried in May, 1853; and a verdict was rendered in favor of Mussina, by a jury of his countrymen, for the land claimed, or $214,000 in lieu thereof, and $25,000 as damages.

In January, 1854, a rule was taken at Galveston, Texas, upon Jacob Mussina, a citizen of Louisiana, and he was cited to appear before Judge Watrous at Galveston, to answer for contempt of court in *instituting* the suit in New-Orleans, in disobedience to the decree which he had rendered in the Cavazos case, although the fact was that *the suit referred to was commenced two months before the rendition of the decree*, which proceedings the House Judiciary Committee of the Thirty-fourth Congress have characterized in a deliberate, unanimous report, as "irregular, unjust, and illegal, and, taken in connection with the previous proceedings and rendition of the decree, oppressive and tyrannical." And this

opinion was endorsed by a portion of the present Judiciary Committee in the House, from whose report I read the following expression of judgment:

"It also seems clear, when the pleadings in the suit instituted by Mussina against Stillman, Belden, and Alling, and Basse and Hord, in the fourth district court of New-Orleans, are considered, together with the judgment rendered in it, upon the verdict of a jury, and the evidence in the contempt case, that there was no foundation whatever for the proceeding against him for a contempt, and that the action of the judge with respect to it was unauthorized by law, and was intended to be vexatious and oppressive. How any other conclusion can be arrived at, when it is remembered that the suit in New-Orleans was instituted by Mussina against his co-defendants alone and their counsel, and related to rights growing out of their own transactions, it is not easy to conceive."

The defendant appealed from the judgment of the New-Orleans court in favor of Mussina. In 1855, the case was heard on appeal, in the supreme court of the State of Louisiana, and was dismissed on a question of jurisdiction in the court. It was during the hearing of this appeal that Judge Watrous was at New-Orleans, under the assumed name of "John Jones," and lodging secretly at the Verandah Hotel.

In order to continue understandingly the history, the narration of which I have undertaken, it is necessary here to make a momentary review of the positions occupied by the man Reynolds, who, it has been shown, was a prominent actor in the eventful drama of the conspiracy, so far as it appears to have progressed. It has been shown that he was one of the chief and choicest spirits

in the inception of the New-York company. It has been shown from the correspondence relative to the action of the court at New-Orleans, that he had made the clerk of the court interested in the suit. It has been shown under what circumstances he established a bogus bank on the Cavazos grant. It has been shown that he was appointed by Judge Watrous, and acted as commissioner to take testimony in the Cavazos case, on the side of the defence, to defeat which, by collusion, was the evident purpose of the company of whom and in whose service he was.

Thus we find this man Reynolds connected and intermixed with all that takes place through Judge Watrous's court, in the progress of the conspiracy in which both were so deeply and so criminally interested and implicated.

I now present him as attempting to seize the "Great Salt Lake of Texas," the immense value of which and its location I have referred to. This lake was a reservation of the government of Texas, and the only possible means of appropriating this valuable property was by influencing the courts and the Legislature.

It is shown by the letter of Mr. Joseph L. Williams, which I have read in another part of this case, and by the order of transfer, to which I shall presently refer, that the three, Reynolds, Williams, and Watrous, at least, were interested in this fraudulent adventure.

They had already been successful in the Phalen suits, at New-Orleans (wherein their fraudulent certificates were declared valid); and, in the flush of their entire

success in this matter, they were emboldened to extend their grasp, and to attempt to take by adventure every prize that their avarice could discover.

This suit is instituted in Judge Watrous's court, on the 14th of May, 1849. It appears that the case remained there from the 14th of May, 1849, to the 7th June, 1850. It is then transferred to New-Orleans; and it is especially to be remembered that the application for the transfer in this case, as well as the transfer in the Phalen case, was made by the plaintiff himself—Mr. James N. Reynolds. I will here give an extract from the order of transfer:

JAMES N. REYNOLDS, of Louisiana,
vs.
HENRY M. LEWIS, and THOMAS NEWCOMB, of Texas. } No. 1982.

Petition in this cause filed in district court of the United States, district of Texas, on the 12th day May, A. D. 1849.

Copy of order of transfer.

And afterward, on Monday, the 7th day of June, A. D. 1850, the following order was made, to wit:

JAMES N. REYNOLDS,
vs.
HENRY M. LEWIS.

This day came the parties by their attorneys, and upon motion of the said plaintiff, and because the judge of this court is so connected in interest and otherwise, with one of the parties in this suit as to render it improper, in his opinion, to sit upon the trial of that cause, it is now hereby ordered by the court, that this fact be entered upon the record of this court, and that a certified copy of such entry, with all the proceedings in this suit, be forthwith certified in the circuit court of the United States for the eastern district of Louisiana, that being the most convenient court of the United States in the next adjacent State.

Well might Reynolds move for a transfer to New-Orleans. Did he not think (as his correspondence has already disclosed) that he had the clerk of the court to work there in his behalf? Did he not think that he had an approach to the ear of the court there? Did he not have there the influence, the official presence of Judge Watrous, a brother of the bench? In fine, did he not have the case transferred from the juries of Texas, but to have it removed to a court, where there was every augury of success, it mattered not whether by fair or by foul means?

I have already directed attention to the participation of Thomas M. League in the management of the affairs of the land company, and in the advancements of its interests. It has been shown that at the time the curtain dropped at New-Orleans on the Phalen case, a suit was on the instant instituted by League, on the identical *test* land certificate that had just been the subject of the suit in New-Orleans; thus revealing his partnership in the common iniquity of Judge Watrous and his "compeers," and indicating his position as a prominent actor in the infamous certificate business, that was the chief, but not the only, subject of the company's operations.

It may also be remarked, that Johnson and Hale, the attorneys for the company in the Phalen case at New-Orleans, appear also as counsel for League, in the consequent suit at Galveston.

It is to be seen how he sustains other characters, and undertakes other parts in the wide field of the com-

pany's speculations. It appears from the testimony in the Watrous investigation that, in company with Robert Hughes, the confidential adviser and favored counsel of Judge Watrous, he assumed or simulated an interest in what was called the Powers and Hewitson's colony grant, and undertook to bring suits in relation to it in Judge Watrous's court, by feigned change of residence.

The grant to Powers and Hewitson, the empressarios, included a large body of valuable land on the coast, west of Galveston. .

Powers expressed an unwillingness to go out of the State, and change his residence, so as to qualify himself to sue in the Federal court. He, too, as League testified, had the common affliction of being "afraid to trust the juries of Texas." The difficulty, however, appears to have been solved by League, in concert with Judge Watrous's counsel and familiar, Robert Hughes. League volunteered to go out of the State, and bring suits in his own name, in the Federal court, for a share of the property to be recovered.—Powers furnished the subject matter of litigation. League furnished all the money, and "Hughes was to do the legal part of the matter."

The plot, however, was finally disconcerted by the decision of the United States Supreme Court, to the effect that League's change of residence not being *bona fide*, he could have no standing in court; in a word, that it was an attempted fraud upon the jurisdiction of the court.

It then became necessary to use another party in the

matter, and a gentleman by the name of Williams, of North Carolina, is substituted. Thus we see this man, bent on accomplishing his ends, throughout identifying himself and the counsel of Judge Watrous with a scheme in which both were only acting mercenary parts, using the word in its broadest sense; in which he was hired to act the part of a litigant in the court of his friend and partner, Judge Watrous, in fraud of the jurisdiction of that court; and in which the judge's counsel and familiar too was hired under a contract of champerty, and was to have a share of the land for "doing all the legal part of the matter."

This is to be remarked, as the first introduction of Hewitson into the federal court, and will shortly lead, as I shall show, to the development of other connections between him and Judge Watrous in the perpetration of other and more astounding frauds than have yet been disclosed.

I conceive that it is required, in order to complete the history of the system of frauds, in which Judge Watrous was prominently concerned, to show further the connections between some of the prominent actors introduced into the narrative and others to be introduced, in matters which have been the subject of late congressional investigation, and of fierce debate. I certainly do not propose to review the debates that have taken place on this subject. But I refer more particularly to the transactions, which I shall proceed to give a brief sketch of, of the obtaining of lands by Judge Watrous, the wrongful use of his court in relation thereto, and his partici-

pation in fixing a forged link in a chain of title upon settlers of Texas, that I may more fully show and illustrate the constant and pervading connection of parties already alluded to with the judge in attempts to plunder the citizens of Texas, and in administering a system of fraud through his court.

In January, 1851, we find that two suits were commenced in the United States court in Texas, presided over by Judge Watrous. One was entitled Ufford *vs.* Dykes; the other was Lapsley *vs.* Spencer and ten others.

These two suits were commenced in Judge Watrous's court at the same term, for between fifty and sixty thousand acres of land each. William G. Hale was counsel for the plaintiff in one case, and Robert Hughes counsel for the plaintiff in the other. In both cases, it appeared from the testimony, the property claimed was owned in the State of Alabama; and in both cases, the claims of the parties had slumbered for nearly twenty years—*until the first term of the court of Judge Watrous, after he (Judge Watrous) had obtained an interest.*

With respect to the Ufford and Dykes suit, an attempt was made in the course of the investigation by the committee of the House to discover who were the parties in interest in Alabama. But the inquiry was baffled. The witness who was examined as to the matter, plead his privilege as an attorney, and declined to answer. What important disclosures might have been made, had the question been freely answered, and the truth relieved from suppression is left to conjecture. It was esteemed

important to know the connections which existed in the inception of these suits. The committee sought the information; but they were stopped at the very threshold by concealment, leaving the whole matter in suspicious darkness.

It is also found in the Ufford and Dykes case, that William G. Hale, the agent of the fraudulent land company, as shown by the correspondence, and holding the most intimate relations with the court, is counsel for the plaintiff, and that on the other side of the case, the counsel is Robert Hughes, the confidential friend and witness of the court.

The same question of title existed as in the Lapsley cases, in which Judge Watrous was interested by partnership in speculation with the plaintiff to the amount of one fourth of the property, which one fourth is valued at $75,000, *and for which he* (Judge Watrous) *has never paid, and never was required to pay, a cent of purchase money up to the present time.* The grants in both cases had a common title; and in one of them Judge Watrous had obtained an interest.

It may be observed, too, that the judge professes to have purchased an interest in one of these grants, without ever seeing the title papers, on the simple opinion of Hughes, "the best land lawyer in the Union," as he enthusiastically describes him, that they were good. He was willing, as he signifies, to accept this opinion absolutely as true. Now this Ufford and Dykes grant had a title identical with that in which Judge Watrous had obtained an interest. This title he had declared to be good, on

the bare assertion of Hughes. He thus went on the bench in the Ufford and Dykes case, fully committed to an opinion on the title, and with nothing whatever for him on that point to adjudicate.

I now request honorable Senators to accompany me to a scene in the United States district court in Texas, and to bestow upon it but a moment's criticism, in order to perceive its significance.

On the bench is his honor, Judge Watrous, surrounded by all the imposing circumstances of the dispensation of justice. The case of Ufford *vs.* Dykes is called. A jury is empanelled. Before the judge, as foreman of that jury, stands Edwin Shearer, a deputy clerk in his own court, who is the agent of the judge, who was consulted on the subject, at the inception of the very scheme of fraud at Galveston; was present at Selma, Alabama, when the contract was made between Judge Watrous and others, and who is a brother-in-law of Price, a partner of the judge in that transaction; and besides, was not qualified under the law to be a juror. It appears that a verdict was rendered thus:

VERDICT—Endorsed: "We, the jury, find a verdict for the plaintiffs for the ten leagues of land described in the plaintiff's petition, and also ten cents damages.

"EDWIN SHEARER, *Foreman*.

"March 10, 1854."

This appears to have gone by default. Now, to obtain a default, a chain of title was necessary; such a chain was to be exhibited. Yet it is found to be admitted by counsel, more than a year after this trial, that the au-

thority to sell the land in suit—the *power of attorney to Williams*—the main link of the title, was wanting. It could not have been before the court or the juary, when the verdict was entered. It could not, for the especial reason that the default was entered in March, 1854, and the testimony of the parties in the Watrous investigation shows that the power was never transcribed, or withdrawn from the land office, until December of that year. Juries, it is to be recollected are selected in Judge Watrous's court—not balloted for. Further comment than this is unnecessary.

This default was opened at the suggestion of Judge Watrous, as the judgment by default did not appear to answer the purpose he had in view. The object evidently was to have the title completed, by introducing the power of attorney, and obtaining judgment of its genuineness. And the fact most striking is that at the second trial, Robert Hughes, the representative of Judge Watrous, is smuggled into the case for the defence, and very kindly furnished to the opposite counsel, William G. Hale, Esq., the power referred to—the very link of title necessary to defeat him, Robert Hughes, in the defence of the suit!

I have adverted to a scene in the Ufford and Dykes case. I wish the attention of Senators to another scene, transpiring after the lapse of about one year, in the same cause, and in the same court. Judge Watrous is on the bench. Before him stand Robert Hughes and William G. Hale. Contemplate for a moment the position of the parties. Judge Watrous is the owner of an

interest valued at seventy-five thousand dollars in the La Vega grant, which, it appears, he purchased in reliance on the opinion of Robert Hughes. To Hughes is intrusted the defence of his title. He is the "*sole counsel*" for Lapsley and others. He stands now before the court in opposition to that title, as "the leading counsel for the defendant, and controlled its management." Here is Robert Hughes, the representative of Judge Watrous, interested in the La Vega title, standing before Judge Watrous, in opposition to that title. What a strange and anomalous position, surely! Here is his honor, John C. Watrous, on the bench; and here, John C. Watrous personated by Hughes at the bar. The case is called, and the curtain rises on still further developments in the scene. The plaintiff's counsel, William G. Hale, announces himself ready to proceed, *except* that he lacks the power of attorney to Williams, that is all-important to complete his title. Judge Watrous, through his representative, or Hughes, as representing the Judge, supplies that want; thus kindly giving to his opponent, Hale, the very means of defeating him (Hughes) in the suit; but mark you, the means also of sustaining the title of Judge Watrous—for the power of attorney was common to both titles. I have already shown, in the Cavazos case, how counsel of this vast company were introduced for purposes of collusion, and for the betrayal of parties who stood in the way of the land speculations of Judge Watrous and his confederates. Therefore, this is illustration the second.

It will be seen hereafter, as I proceed toward the completion of the narrative of facts I have undertaken, that the power of attorney alluded to plays a very important part in the scheme of fraud by which Judge Watrous was attempting to appropriate an immense tract of land, situated within his judicial district.

The legal title to the La Vega grant was conveyed by League to John W. Lapsley, of Alabama, who held the property in trust for the several parties in interest, including Judge Watrous.

In the deed of conveyance there is to be remarked a very singular feature. There is no general warranty of title; but there is a special and extraordinary warranty given in the following terms:

"The said party of the first part (League) binds himself, his heirs, and legal representatives, to warrant and forever defend the title by this indenture granted to the said party of the second part, his heirs, legal representatives, and assigns, against the said *Thomas de la Vega*, and the party of the first part, the respective heirs and assigns, and all others claiming, or to claim, *by, under, or through* the said Thomas de la Vega, and the party of the first part, or either of them."

This warranty, it is to be observed, is against the party's own vendor. It applied to the chain of title from him, the all-important link of which was the power of attorney to Williams to sell the land. It shows that in the transaction at Selma, Alabama, to which Judge Watrous was a party, the power of attorney was a subject of concern, and probably of debate. It suggests that even then, by some of the parties, the denunciation

was anticipated, which was afterwards made, of that title paper as a forgery, and a forgery, too, in the procurement of which Judge Watrous himself had assisted.

This power of attorney purports to have been made in the year 1832. It appears that no attempt was made to prove it up until 1855. Thus it was kept secret, or nothing revealed of it, for about twenty-three years. It is true that Robert Hughes testified that he withdrew a power of attorney from the general land office in 1854—twenty-one years after its purported date; that there was no mark on it showing when, or by whom it was filed, or that it was ever filed; nor is there any mark or evidence on the document to show that the power of attorney, the present subject of discussion, was the paper withdrawn from the land office by Robert Hughes—as he was careful not to leave in the land office any copy of the paper he withdrew.

I have requested, in the progress of this narrative, that honorable Senators would regard attentively the man Hewitson, who appears to have been one of the heaviest suiters in Judge Watrous's court, and a partner of League and of Hughes, in the subject-matter of the litigation, and of whose use by the court, in support of perhaps the most monstrous of its frauds, I promised some revelations. He, too, is now called in by Judge Watrous, through his counsel, to perform a service at the sacrifice, as the sequel will show, of all that honest men hold most dear—such sacrifices, and such service, however, as seem to be the price of the Judge's favor

In the case of Ufford and Dykes, a verdict was render-

ed February 27, 1855; the 23d of the same month, and the same year, Hewitson's deposition is taken, *de bene esse*, at Galveston, to prove up the power of attorney. The order of transfer had then been made, to remove the Lapsley cases from Austin to New-Orleans. The power to Williams was common to both suits. It had been managed to get it into the Ufford and Dykes case, without difficulty, through the favor of Judge Watrous, and the evident collusion of counsel. In the Lapsley cases, however, an attempt is made to prove it up by Hewitson's deposition. Why, I ask, was this done? Why was the discrimination in relation to the proof of the power made between the two suits, unless for the palpable reason that it was considered that the power was not in a position to pass the review of the tribunal at New-Orleans. Thus again is betrayed the ill-concealed concern of the parties in relation to this power of attorney.

The deposition of Hewitson appears to have been taken at Galveston. It is to be observed that the Lapsley cases, in which it was intended to be used, were then *in transitu*, in obedience to the order of transfer, and that the transcript was in the pocket of Robert Hughes, at Galveston. The deposition was taken before Archibald Hughes, a son of Robert Hughes, an agent of Lapsley, Watrous, and others, in their land transactions, deputy marshal, then, or formerly, deputy clerk; and United States commissioner in Judge Watrous's court. Thus, before this creature of the court, without notice to the counsel of Spencer, then in Galveston, and

selecting the time when the suits were in *transitu*, it was managed to take this deposition of a confederate in the land transactions both of court and counsel.

The introduction of this deposition was made with an adroitness and secrecy characteristic of the parties who managed it. They were governed by constant policy and secrecy, that seem to have regulated all their movements. In the Lapsley suit, as in the Phalen suit, at New-Orleans, they showed their appreciation of the maxims of the policy of Reynolds, who advised that the cause should "go off quietly;" that "the least possible notoriety should attend it," &c.

Thus was the deposition of the confederate Hewitson, on which it was sought to rob the honest settlers of their land and homes, taken after the transcript had been ordered to be transmitted to New-Orleans, taken without notice to the opposite parties, and taken surreptitiously before a creature of the court, and a man in intimate relation with those whose interests it was to betray and defeat the settlers who claimed the land. Remarkable coincidence—this testimony of Hewitson, in support of the power of attorney, is taken at Galveston, during the trial of Ufford *vs.* Dykes' case, and perhaps on the very day when Hughes so magnanimously furnished Hale with a copy, and stipulated that no exceptions should be taken.

In my opening remarks I alluded to "the deep secrecy," which surrounded, as far as possible, the movements of the conspiracy, a sketch of which I have attempted to give from the results of long investigation, and by the

lights of some newly discovered evidence on the subject. I have pointed out in the progress of the narrative, instances of the secrecy and cunning of the management of these parties. Every means were taken to conceal their steps, and every opportunity was seized to take the opposite parties at advantage.

The order of transfer from Austin appears to have been entered at the November term, 1854. The transcript was taken by Robert Hughes, with Hewitson's deposition, which was sent him *en route* to New-Orleans, where the cases appear to have been filed in April, 1855. When the docket was called there, it appears that Hughes was anxious to have the cases disposed of with despatch, and to take advantage of the supposed absence, at that time, of a defence. But in this he was disappointed by the sudden apparition in court of a poor settler, who had travelled all the way from the wilderness, over hundreds of weary and painful miles, to confront the artful despoiler of his home, and to demand justice. I will let the poor man, Eliphas Spencer, tell his story of what transpired in the court at New-Orleans, as it is related in the printed evidence taken by the committee of the House in the Watrous investigation. He says:

"I think he [Hughes] said he would like to have them [the suits] tried at as early a day as would be convenient to the court, for he thought there would be no defence, and they could not take up much of the time of the court in trying them. After that I got up and said that I had come some six hundred miles to defend my land, and I wished that time should be given me to prepare

my evidence, &c.: Judge Hughes observed: 'Oh, Mr. Spencer, I did not know that you were in court, or any one, to attend to the suits.'"

In confirmation of this statement of Spencer, of the advantage attempted to be taken against him, there is found an admission of Hughes himself, made in a letter to Lapsley, written when he was in attendance on the cases in New-Orleans, April, 1853.

"I will press the cases to trial with the utmost rigor. I do not expect there will be any counsel here for the defendants."

There is something here of almost pathetic interest to claim the earnest attention of this honorable body. This poor settler, it appears, had planted a home as early as 1847, on what was then the extreme frontier of Texas, and had lived through hardships and dangers difficult to depict, until at last he had secured, as he fondly imagined, a permanent resting place for his life, and had commenced to gather the fruits of his toils and privations, to sustain his wife and children. This land was included in the La Vega tract, and he was the principal defendant, representing in the business the other settlers, who had planted themselves around him. He was sued in every shape, and it would seem that every ingenuity of his opponents was taxed to betray him. It appears from the evidence, that the suit instituted against him at Galveston was removed to Austin, without any order of transfer having been made in the case; that he had no lawyer employed to attend to it at Austin, and that when all the cases were removed to New-

Orleans, and the transcript carried there, he heard for the first time, and then, too, not from those who were prosecuting and attempting to betray him, of Judge Watrous's long concealed interest in the suits, and their removal, on that account, to New-Orleans. No sooner is he made aware of this—no sooner does he perceive the long-matured conspiracy to keep him in ignorance and to betray him and his co-suitors—than the poor intended victim is suddenly aroused, hurries to New-Orleans, six hundred miles away, and confronts in the court room the confederate of Judge Watrous, for his ruin, at the very moment that he is saying to the court that the suits would not be defended. Well might Mr. Hughes exclaim, "Oh! Mr. Spencer!" at the dramatic surprise; and well may our sympathies be prompted by the apparition on the stage of the poor man come to save his home from the grasp of the spoiler; and yet at last, by the renewed acts and influences of corrupt and powerful men, he is turned from it.

It has been shown that it was the expectation of Hughes to have the Lapsley cases despatched, and to use the deposition of James Hewitson as to the execution of the power of attorney, taken, as has been seen, surreptitiously, and by a fraudulent contrivance, before any of the defendants or their counsel should be present to protect their rights on the trial at New-Orleans. Under any circumstances, the only proper course would have been to attach the power of attorney, which was referred to in the deposition of Hewitson, and made a part of it. But this is not done; it is found that, after

the lapse of a year from the filing of the deposition, when the trial of the case comes on, it has not even been filed. It was used in evidence against Spencer, and still not filed; but a copy appears to have been substituted for it.

Let me for a moment regard the scene in court, in which Robert Hughes, who had constituted himself the exclusive custodian of this paper, comes forward to sustain it by his testimony as a witness. Here is the representative of Judge Watrous, by his own evidence, establishing the genuineness of the paper, as that which Hewitson had sworn to, and which, since that time, had been in the possession of said Hughes. He produces the paper from his pocket, without any indorsement, without any file mark, and identifies it.

Thus it appears that the defendants in the Lapsley cases were deprived of opportunity to protect their rights against this forged document, except upon presentation in court.

Judgment had been rendered in the case of Lapsley against Spencer on the 30th of May, 1856, and six days thereafter, the following entry is found in one of the Lapsley cases remaining over, showing the anxiety of the parties for an opportunity to sustain their plea of forgery, and evidencing the persistent attempts of Hughes to deny them such opportunity. I read, from page 649, testimony in the Watrous investigation:

Minutes, April Term, 1856.

NEW-ORLEANS, *Friday, June* 6, 1856.

JOHN W. LAPSLEY,
vs.
D. R. MITCHELL, WARREN, and JAMES DUNN. } No. 2458.

The defendants, by their counsel, this day suggested to the court, that heretofore, to wit: on or about the 25th day of February, 1855, the plaintiff herein took the deposition, *de bene esse*, of one James Hewitson, to prove execution of a certain power of attorney purporting to have been executed by Tomas Vega, before Juan Gonzales, regidor of Leona Vicario, with Jose Nazas Ortez and J. M. McMoral as assisting witnesses, dated the 5th day of May, 1832, authorizing Samuel M. Williams to sell the land in controversy, which said power of attorney defendants believe to be a forgery, and having so filed their plea by their attorney, which said power of attorney has never been filed among the papers of said cause, although the same constitutes a part of the deposition of the said Hewitson, and that the same is yet in the possession of the plaintiff's attorney; and thereupon moved the court to require and cause the said power of attorney to be regularly filed among the papers of said cause, or to be deposited with the clerk in his special charge and keeping, subject to the inspecting of the parties, that the defendants may have an opportunity of sustaining their plea of forgery aforesaid by procuring witnesses to inspect said power of attorney. The plaintiff's counsel being present in court, accepted service of this motion, and waived time to show cause.

Minutes, April Term, 1856.

NEW-ORLEANS, *Monday, June* 7, 1856.

JOHN W. LAPSLEY,
vs.
D. R. MITCHELL and WARREN.

The rule herein taken by the defendant upon the plaintiff, to show cause why he should not file the original of a certain power of attorney, having been argued and submitted on a former day, and the court having considered the same, doth now order that the said rule be discharged.

In the course of the debate in the House, with respect to the charges against Judge Watrous, considerable stress appears to have been laid on the decision of the Supreme Court, of Lapsley *vs.* Spencer, by which the question as to the power of attorney in that case was settled. From the dissenting opinion, however, of Mr. Justice Daniel, the all-important fact is developed, that the question of fraud, with respect to the power of attorney, had been taken from the jury by the ruling of the court. He says:

"It seems to me that there was error in the instruction of the court to the jury: that there was no fraud in the transactions by which the alleged title to the land in controversy had been obtained, or transmitted to the plaintiff."

This fact is of the highest importance. The opinion of Mr. Justice Daniel to which I have referred, and which manifests careful and special study of the questions connected with the power of attorney, contains so clear a judgment on the subject, that I may conclude what I have to say on it by quoting a portion of the learned judge's remarks. He says:

"In the next place, with respect to the deduction of title from La Vega, to whom, it is said, a grant was made by the government, by the decrees first examined. The first step in the deraignment of this title is the paper, styled the power of attorney, from La Vega to Williams, dated May 5, 1832. The authenticity of this paper rests upon no foundation of legitimate evidence. It cannot be considered as possessing the dignity and verity of a record, nor of a copy from a record. It is not shown that the laws of Texas required it to be recorded; and without such a requisition it could not be made, in legal acceptation, a record, by the mere will or act of a private

person. This paper does not appear to have been placed on record; and if, in truth, it had been recorded in a proper legal sense, still there is no copy said to have been taken from a record, or certified by any legal custodian of the record or of the original document. * * * * * *

"It has been seen that this document is neither a record, nor a copy from a record. The language of the instrument, and that of the certificate of Gonzales, alike contradict any such conclusion. The certificate declares it to be a copy of a private paper, and nothing more. * * * * *

"The irregularities connected with this alleged power of attorney seem to me too glaring, and too obviously liable to gross abuse, and tend too strongly to injury to the rights of property, to be tolerated in courts governed by correct and safe rules of evidence."

Judgment was rendered in New-Orleans in favor of the plaintiff in the suit of Lapsley *vs.* Spencer, as I have stated, on the 30th May, 1856. After the decision of this suit, it appears that in another of the Lapsley cases remaining on the docket, viz: Lapsley *vs.* Mitchell and Warren, a commission was taken out by the defendant to take the testimony of Thomas de la Vega of the La Vega grant, and of José Cosme de Castenado, the custodian of the archives at Saltillo, with reference to the power of attorney heretofore so frequently referred to, which purported to have been made from La Vega to Williams. These depositions were returned in March, 1857. In that of La Vega the deponent denies ever having signed any such paper as the power; and in that of Castenado, the custodian of the archives, the deponent swears that the alleged power of attorney was—

"Signed only by the alcalde, Don Juan Gonzales and Don José

Maria de Aguirre, and not by Don Rafael Aguirre or Don Tomas de la Vega, or the assisting witnesses, wherefore the said document can be of no effect; and that in verification of all that he has stated, he refers to the original documents, which exist in the archives under his charge."

This was the first public declaration made from Saltillo of the forgery of the document. Now, suddenly the case assumes a serious and startling aspect, and strikes dismay and terror into the ranks of the conspirators. Orders had been left at the court at New-Orleans, that immediately on the receipt of the depositions of La Vega and Castenado there, that copies should be sent to Galveston. There can be no doubt, however, that the parties claiming under the power of attorney, and represented there, knew very well what the import of these depositions would be. Is it, indeed, to be supposed that they, with a property worth $300,000 at stake, which depended on this very muniment of title, should have neglected wholly, and for so long a time, to examine the archives at Saltillo, and inquire what was on record there?

The storm had burst, and the conspirators, in dismay, are compelled to face the loud denunciations of their guilt. Now they have to meet the brunt of the battle. The day of discovery and retribution has come; and collecting together, serrying their ranks, and summoning all their resources, they prepare desperately to resist the judgment that has overtaken them.

Now it is that Judge Watrous is observed to call to his aid all of his confederates. Now it is that the whole *corps dramatique* is summoned on the stage for the

grand catastrophe. Now it is that the judge calls upon his confederates to stand by him, and to redeem the prices of his favor to them by the most unscrupulous of means, and most desperate of services.

Thus it is observed that the first step of the startled plotters is to gather around the judge, and attempt to protect the great head and front of the conspiracy. It is observed that in attempting the desperate defence they hesitate at nothing. It is observed that in seeking to cover the judge they expose themselves to new discoveries of guilt, and sink deeper into the mire of falsehood and fraud.

It will be instructive to note the parts which the different confederates of Judge Watrous take, and the length to which they go in seeking to establish a defence for him. To commence with League, one of the closest of his confederates: when examined, in the course of the Watrous investigation, he strives to make it appear that when the copies of the depositions taken at Mexico were received at Galveston, he had repeated conversations with Robert Hughes in relation thereto; but that Judge Watrous discouraged or forbade any conversation with himself on the subject. I will here read some of the passages from the testimony to this effect:

"*Question*, (by the chairman). You spoke of having received a copy of a deposition from the clerk at New Orleans. You received that in Galveston?

"*Answer*. Yes, Sir. It was sent to Judge Hughes, not me.

"*Question*. Was Judge Hughes in Galveston at that time?

"*Answer*. I think he was.

"*Question*. What time was that?

"*Answer.* It must have been in *the month of April*, 1857.

"*Question.* You are certain that that communication was sent to Judge Hughes?

"*Answer.* I think it was.

"*Question.* Whom did you consult as to the propriety of going to Mexico for Gonzales?

"*Answer. With Judge Hughes.* I might have mentioned it to Judge Watrous; I think I did. He called; *but whenever I attempted to say anything to him, he would reply, 'Go to Judge Hughes; I have nothing to do with it!'*"

* * * * * * * * *

"A copy of the depositions taken in Mexico was sent to Judge Hughes; *Judge Hughes sent for me immediately, and read it over.* Some of it was in Spanish; but he made it out." * * *

"*Question.* Did you *take from Judge Hughes* any copy of the depositions taken in Mexico, impeaching the power of attorney?

"*Answer.* I took the substance, but not an exact copy.

"*Question.* You noted down on paper the substance?

"*Answer.* Yes, I noted it down, and submitted it to my Alabama friends.

"*Question.* Did you note that from the depositions before you?

"*Answer. Judge Hughes noted it.*

"*Question.* Judges Hughes put upon paper the substance of the testimony taken in Mexico?

"*Answer.* Yes; and I think that I added to it something.

"*Question.* How much space did the statement occupy upon paper?

"*Answer.* I cannot recollect. Not a great deal.

"*Question.* Did you take that part to Alabama?

"*Answer.* I did."

Now, it appears, in relation to the testimony of Hughes himself, that at the time of the alleged conversation at Galveston, referred to by League, he (Hughes) was *absent from his home at Galveston;* that these two gentlemen could never have compared notes, as alleged,

at the time of receiving the depositions; and that the first time that Hughes had ever seen the depositions was in August, three months after League alleged to have been in conference with him on the subject of the power of attorney. Here is the testimony of Hughes, establishing these conclusions beyond a doubt:

"*Question.* When was Hale employed in the case of Lapsley *vs.* Spencer?

"*Answer.* I do not know, certainly; *I was absent from home when information was received of the taking of the deposition of Tomas de la Vega, in Mexico;* when I returned, I was informed of what had occurred. The deposition was shown to me, and I was informed that Mr. Hale had been employed to assist in the case. It was a short time after it had been taken—two or three months—that I received information of it." * * *

"*Question.* When did you first see the deposition of Tomas de la Vega?

"*Answer.* I saw it at the time I spoke of, when I returned home some time last summer, and when, as I said before, Mr. Hale was employed as assistant counsel; *that was the first time I saw it;* that was a week or ten days before the election on the first Monday in August."

Mr. League has unquestionably committed himself in that part of his statement which I have quoted. It seems to be a strange and impossible hallucination, that he should mistake conferences, which he undoubtedly had with Judge Watrous, on the subject of these depositions, and of the best means to defeat them, as having taken place with Robert Hughes, unless he regarded them as Siamese twins.

The most glaring contradictions appear in this man's (League's) testimony, as taken from day to day before

the committee, exposing his desire not so much to develop the truth as to shield Judge Watrous, the great head and director of the conspiracy.

In further contradiction of the statement he had made of conferences held exclusively with Hughes, it appears not only that Hughes could not have been a party to such conferences, but that League did actually converse and consult, at the time named, personally, fully, and intimately, with Judge Watrous himself, on the subject of the depositions taken in Mexico. The fact is drawn out of him, on an examination some days subsequent to that on which he denied having conferred with the judge on the subject, that he, the judge, advised that he should go and consult the Alabama parties relative thereto.

With respect to this advice, I may make a single suggestion. There is but one course that is probable that honest men would have adopted, in an alleged discovery, such as was communicated to Judge Watrous and his confederates, in the depositions taken at Saltillo. Supposing that these parties had no previous knowledge of the fact of the forgery of this power of attorney; would they not naturally and immediately have sought the archives for information and evidence, where the original must be, if any such existed? This would have shown an honesty of purpose. It is now to be seen what course they do adopt, other than that which was natural for innocent men to take; and I beg the especial attention of honorable Senators to this point, that they may determine whether the course of the parties evidenced or not an honest desire to arrive at the truth.

League goes to see the Alabama gentlemen, at the suggestion of Judge Watrous. He sees Lapsley at Selma; tells him of the discovery made in the depositions taken at Saltillo; and the consequence is, that Lapsley gives him $2,500 to enable him to go to Mexico and "procure" testimony to sustain the alleged power of attorney.

Now, it is in evidence that Lapsley, who professes to be very careful in his negotiations, had exacted from League a warranty of title against the particular risk of the validity of this power. League was reputed to be worth some seventy-five or one hundred thousand dollars; and his warranty was the only security the parties had by which to save themselves. He goes to Lapsley, and tells him, in substance, "News has reached us that I am liable to you on the warranty." What does Lapsley say? Does he say: "I entered into the transaction believing that everything was *bona fide*. I will have nothing more to do with it; and must look to your warranty?" No such thing. He says: "I release you from your warranty." He gives up and renounces the only chance which he and the parties he was to represent had to save themselves; but not only this, he gives to League $2,500 to pay his mileage to Mexico!

One other circumstance, too, is suggestive, in relation to this warranty against the power of attorney, the link in the title from La Vega. In Mr. Lapsley's testimony, it appears that it had been greatly urged by Judge Watrous, at the time of the conveyance, that League had hesitated to sign the warranty, and that Judge Watrous had encouraged and pressed him to do it, say-

ing: "You can sign it with perfect safety, Mr. League, because I am satisfied myself that the title is good." Yet the warranty, when so urged, and about which so much was then manifested, is found to be released at the very time that the validity of the link of title for which it was given, is called in question! and without which, Lapsley said, the bargain would fall through.

I will observe here, that in all that I have stated of the circumstances surrounding the alleged power of attorney from La Vega to Williams, to sell the land in controversy, I have not designed making any attempt to prove this document a forgery. That, I think, is indubitable. But my object has been to show the part taken by Judge Watrous and his agents to foist a forgery upon the poor settlers they were seeking to defraud. To accomplish this object, I now proceed to a continuation of the narrative, resuming at the point where League returns to Galveston, having been furnished by the Alabama parties with means to prosecute their designs in Mexico.

From the printed testimony in the Watrous case, it appears that the Judge was fully acquainted by League with the communications and results of his interview with the Alabama associates. It was the Judge who suggested the employment of the services of William G. Hale in the emergency. They are accordingly secured; and no sooner so, than Hale calls to his aid John Treanor, to undertake the most unscrupulous and desperate scheme for the fabrication of evidence in Mexico, to suit

their purposes. Here, it may be observed, are again introduced upon the stage the two parties who were united as principal and agent in the Cavazos case, to direct the suit by their affidavits and their collusive management, in which it appears that, by the judge lending himself to the scheme, they had been successful. Treanor, the man branded as one "without character or standing," is prepared for a trip to Mexico, to procure, on the best terms, such testimony as he can, to sustain the power of attorney; he is joined by League, and Francis J. Parker, a clerk of Judge Watrous' court.

It will be profitable to review the antecedents and relations of this man Parker, as it will be found that he figures in several important matters of fraud and chicanery, conducted through Judge Watrous' court. It will be recollected that reference was made to an order entered in Judge Watrous' court, for the exclusion, from the regular panel of jurors, of the citizens of four counties lying on the Rio Grande. From the marshal's returns in the comptroller's office, it appears that this order was strictly carried out until January, 1856, when it is discovered that it was violated in returning Mr. Francis J. Parker as one of the regular panel, at Galveston, and that he was the only citizen from the Rio Grande summoned in the face of the order, and with regard to whom the marshal had departed from the rule of the court.

Now why was Mr. Parker "selected?" Why was he selected "two or three times?" An answer may be suggested by slightly reviewing the relations of this

man to Judge Watrous, who was deeply interested, at least, in important questions pending in his court.

Parker was, in the first place, the deputy clerk of the United States court at Brownsville, over which Judge Watrous presided. He had also been appointed by the judge United States commissioner for Brownsville; and is now an itinerant commissioner on his mission to procure testimony in Mexico for the establishment of the forged power of attorney. It will be recollected that F. J. Parker was selected for jury service in this court. Edwin Shearer, also a deputy clerk, had been placed on the jury in the Ufford and Dykes case.

The progress of this man Parker, in acts of service for Judge Watrous, is next traced in his participation in the attempt made by the Judge to prove up the forged power of attorney in the Lapsley cases. He appears to have been the selected custodian of this precious document, and to have accompanied to New-Orleans the witness who had been obtained at an expense of $6,000.

Still further he may be traced, doing Judge Watrous's work, until at last he comes forward as a witness for Judge Watrous, before the Supreme Court of the United States, to sustain his honor in his act of corrupt oppression, in depriving Mussina of his appeal in the Cavazos case.

But I will now revert to the course taken by the parties, League, Treanor and Parker, in their mission to Mexico, with respect to the power of attorney. The three proceeded together as far as Monterey, about seventy miles from Saltillo; and from the former place, as if

the movements of the party were again determined by the old anxiety to avoid notoriety and attention, Treanor proceeds alone to the scene of operations. On reaching Saltillo, it might be supposed that he would at once have consulted the archives in relation to the power of attorney. But instead of exhibiting an honest purpose, by proceeding at once to the archives, and comparing the copy which he held with the original, he directs his steps, first to the house of Gonzales, a former alcalde of the place, an old man, partially blind, and he exhibits the important document to him, and prompts him to give an opinion of its genuineness. A quarter of a century had elapsed since the document purports to have been made. The old man naturally suggests that he will go to the archives—of course, to examine the original. Mr. Treanor's reply is that he does not wish this; and suggests as a reason, "that the proof was to be taken, not for a Mexican, but for an American court." Subsequently, he (Treanor) does examine the archives; he goes there alone; and it appears, for another purpose than that of examining the original of this power. And in answer to the inquiry if he had found anything there corresponding with the copy or *testimonio* which he held, and whether he compared them, replied, "I compared them *not very particularly*, but I saw they were very *nearly equal*." Not very particularly! why not? The matter of this power of attorney was the sole object of his mission to Saltillo. "Nearly equal" to the *testimonio*.

Such is his testimony before the committee of investigation. Strange, indeed, that Judge Watrous and his

astute counsel did not think proper to ask the witness (their witness) in what respect the original and the *testimonio* differed.

The proofs of the forgery were too plain. Treanor did not dare to take the deposition of old Gonzales, before the authorities of Saltillo, as in such a case, according to the law of Mexico, the officer taking the deposition would have been required to give notice to La Vega and other parties, whom it was his object to keep in utter ignorance of his machinations.

It therefore became necessary to take Gonzales away. But it was found the old man was not willing to leave. Here Hewitson, who resided at Saltillo, who had, by a deposition of his own at Galveston, sustained this forged document, and who, it has been shown, was a general partner in the system of fraud dealt out through the machinery of Judge Watrous's court, is found to intervene to effect the object of Treanor's mission. It is eventually, by his persuasions, and by that of $500 in money, that Gonzales is induced to accompany Treanor, six or seven days travel, to Rio Grande City.

After Gonzales was got as far as Rio Grande City, his deposition was taken *ex parte*. League was bent upon making the most of this old man's testimony, to obtain which, it is proved, he has paid him at least $1,300, besides his expenses, and was desirous of taking the old man to New-Orleans, *as he said*, to testify *before the court there*. Mr. Treanor, for whose able services it is also proved that League paid $1,300, over and above his expenses, and further sums not revealed, is

appointed to prevail upon Gonzales to go to New-Orleans. League assists in the persuasion by decoying the simple old man, as he himself states, by pictures of the "progress of civilization," which he would see by an extension of his travels to New-Orleans. It appears, however, that the payment of seven or eight hundred dollars additional, which League said was to compensate the old Mexican, who was a tanner, for some hides left in his vats, proved more powerful in inducing him to go to New-Orleans than the alluring picture of "civilization" with which he was promised to be amused. In his testimony before the committee, League says that he promised the old man, if he would go to New-Orleans, to show him "a steamboat and a railroad." By a very wonderful coincidence, just as he was using this persuasion, "the steamboat came puffing up towards Rio Grande City." "How pretty!" he said; "we can go on that boat and be taken to New-Orleans." But old Gonzales cared more for the hides, either absolutely or constructively, in his vats, than for taking "pretty" tours on "puffing steamboats." Mr. League then tries another temptation, by offering him seven or eight hundred dollars in the shape of compensation for his hides; and "by that means," says Mr. League in his testimony, "we got him to New-Orleans."

It is worthy of remark what boldness is displayed in the actions of League and Treanor, in attempting to assert the validity of this power of attorney on the personal testimony of this poor old man. Who is Gonzales, that his deposition should have such value? He is without

official station; he is the custodian of nothing; without judicial favor, his oath can amount to no more than that of any other ordinary person.

League, Treanor, and Parker, proceed with the witness to Galveston. Thus, it appears, he is brought to the residence of Judge Watrous, Robert Hughes, and William G. Hale. It appears that Gonzales is not sworn at Galveston; but he is put here in charge of Robert Hughes, who, in company with League and Treanor, carries him to New-Orleans. In the testimony of Mr. League, from which I have just made some quotations, he makes the profession that his object in getting Gonzales to New-Orleans was to introduce him *before the court* as a witness. But this is not done. The witness is taken before a commissioner, and makes another deposition; thus leaving without explanation the cause of the removal of Gonzales from Saltillo, for the purpose of taking his deposition.

On page 461 of the printed testimony in the Watrous case will be found the deposition of the witness Gonzales. On the examination in chief he makes out a pretty good story, and shows evidence of careful drilling. But the cross-examination which ensues reveals the most melancholy and painful case of depravity that is conceivable.

It is only with feelings of the strongest aversion that we can contemplate such an example of open falsehood, and glaring and painful contradictions in the testimony of a sworn witness. It is only on the cross-examination that the fact is drawn out from the old man, on presentation of the power of attorney to him, that *he cannot*

read it. His sight is so decayed that he has to acknowledge that he could not read the writing, unless drawn up in letters as large as those on a street sign, which was pointed out to him over the way.

It is to this trashy, miserable evidence of this poor old blind man, who was procured as a witness through Judge Watrous's suggestions, bribed with money, and drilled so far even as to make him suppress the fact of the decay of his sight; it is to this revolting example of the purchased and perjured evidence of an old Mexican dotard, that Judge Watrous in his answer to the committee of investigation, has pointed with an air of triumph for his vindication, and for the proof of the genuineness of the forged power of attorney, and as "placing it beyond all controversy or debate." He (Watrous) is certainly more to be execrated for the defiance of truth and of decency, in endeavoring to impose such a conclusion upon the committee, than the poor Mexican driveller, who was seduced and moulded to his purpose by bribery.

To cap the climax of effrontery exhibited in the parade made of old Gonzales's testimony, but one circumstance was wanting, and that seems to have been supplied by that useful creature, John Treanor. At the same examination before the commissioner at New-Orleans, he is actually introduced to testify to the respectability of the deponent, Gonzales. The further wonder appears that he gets his information from Hewitson.

And as to Hewitson's former deposition, to the genuineness of the power of attorney, a few words just here

may dispose of the question of the veracity, generally, of his statements. He had sworn, in the deposition at Galveston that Gonzales was dead. Yet it appears from the testimony that Gonzales and himself lived in the same town, and were well acquainted with each other, "acquaintances of long standing!" It is not necessary to canvass the truth of Mr. Hewitson's statement, after this revelation.

However, the monstrous contradiction introduced here affords another illustration of the boldness of Judge Watrous and his confederates, in pressing the ends of their conspiracy. In 1855, Hewitson, who was, as I have stated, one of the heaviest suitors in Watrous's court, is at Galveston. At that time the Lapsley cases are *in transitu*, and are filed and tried, within sixty days, at New-Orleans. In this emergency, it suited the purposes of Judge Watrous and his confederates, that Hewitson should come forward and swear that his townsman and neighbor was dead. Yet a little while after, it suiting their purposes, they have the extreme and almost incredible effrontery to introduce the formerly dead townsman and neighbor as a living witness, under a certificate of respectability obtained from Hewitson himself. Can there be any defiance of truth more extreme, more unblushing, and more revolting in its shamelessness than this?

So far, I have followed with patience the general narrative of this stupendous and far-reaching conspiracy, through its windings and devices. I have done this to show the ramifications of the plot, and to illustrate the

boldness of the actors. That boldness I have shown to be especially displayed in the desperate attempts made to impose upon the courts a forged power of attorney, in the procurement and benefits of which forgery Judge Watrous was largely interested.

However, there is one simple and summary view of the whole matter, that to my mind is so conclusive of the fraud of the parties in the La Vega land transactions, that I cannot conceive how a rational mind can require further proof of, or remain in doubt with respect to, the existence of corruption among the parties to the sale of this land. I will briefly express this view, and I will challenge upon it the judgment of this honorable body, whether there was fairness or fraud in the transaction.

I refer to the circumstance of the monstrous inequality between the amount of purchase money to be paid by Judge Watrous and his partners, for these lands, and their actual value at the time of the sale. And I will start out with the well-settled principle of law, that a purchaser, with a notice of fraud in the sale on the part of those selling, becomes a party to the fraud.

Here, then, as the evidence shows, we see a body of sixty thousand acres of choice land, worth, at the time of sale, at least one hundred thousand dollars, with land scrip to the amount of "ten or twelve thousand acres," sold for the paltry sum of $6,200. This scrip had a cash market value at the time of the sale, nearly, if not quite, equal to the whole amount of the purchase money; but, located on a questionable title, its market

value was much more, which would render the La Vega title an absolute donation to these parties. These lands were in the hands of trustees, Messrs. M. B. Menard and Nathaniel F. Williams. The latter was the brother of Mrs. St. John, the party for whose benefit the sale was made; the other was one of the large land operators in Texas; and both were intimately acquainted with the value of property of this description. The title, also, had been derived through Samuel M. Williams, also a brother of Mrs. St. John, who was the actor in obtaining the title, and who knew all about it. If there was any defect in that title, he knew of it. If there was a reason for selling it cheap, he knew of it.

Further: it is to be noticed, that shortly previous to the sale of this land, the case of Hancock *vs.* McKinney, had been decided in the district court of the State, wherein a title, exactly similar to the La Vega title, as admitted by Judge Watrous himself, had been adjudged to be valid. So identical were the titles, as the testimony shows, that it may be considered that the adjudication was upon this very title, purchased from Williams by Judge Watrous and his partners.

Yet, under all these circumstances, this large body of land, worth $100,000 at least, and the title to which had just been declared valid by the district court of the State, is sold by gentlemen who are acting under the obligations of a trust, and who are well acquainted with the value of the land, for a few cents an acre! I ask, do not all these circumstances combine to show that there was a known and acknowledged defect in the title? They

irresistibly point to the fact that Williams knew that there was no power of attorney from La Vega to perfect the title. They incontestably prove that it was a corrupt and speculative sale of defective title. Let me place this question before honorable Senators:

Suppose that the action of the trustees, Menard and Williams, or her other agents making this sale and conveyance, had been called into question by Mrs. St. John (for whose benefit the sale was made); suppose she had come into court, and had said that the sale was not fair, and moved to set it aside; is there any court of equity in the land that would have refused the application? No. The inequality between the value of the land and the amount of the purchase money is too egregious to be overlooked. It is the very sign and badge of fraud to the transaction. It proves, beyond the shadow of a doubt, the knowledge of the parties of the defects of the title, and existence of a corrupt conspiracy to supply this all-important link, and without which it was wholly worthless, as subsequent events have shown, by a forged document, and by using Judge Watrous's court to sustain such forged muniment of title.

And, in this connection, it will be borne in mind that Judge Watrous not alone received one fourth part of the purchased land, at the trifling consideration named, but also, on a credit of five years, and to this day, after a lapse of eight years, has not paid, or been required to pay, one cent.

Moreover, there is another most important circum-

stance. I have stated that the grant in the Hancock and McKinney case, and the La Vega grant, were identical. The position of Samuel M. Williams was the same in both grants. He had sold the Santiago del Valle grant (which was involved in the Hancock and McKinney case), as the agent of Santiago del Valle, in the same manner as he had sold the La Vega grant as the agent of La Vega. Judge Watrous was also interested in the Santiago del Valle grant to the extent of some four or five thousand acres of land. He, the judge, was represented by Robert Hughes, who argued the case before the supreme court of Texas. Now, it appears that, in the Hancock and McKinney case, as in the Lapsley cases, there was no power of attorney from Santiago del Valle to Williams.

In the case of Hancock *vs.* McKinney, "it was *admitted* that Williams had authority to act for Del Valle." This is reported from the case—7 Texas Reports. An opportunity to explain this singular admission was offered Hughes, the counsel of Judge Watrous, on his examination as a witness before the House committee. But what does he say?

"*Question.*—Was the power of attorney from Santiago del Valle, authorizing Williams to sell, in the Hancock and McKinney case?

"*Answer.*—I do not know. It is a long time since I saw that record."

Now, is it to be supposed that this active counsel in the case where his client and patron, Judge Watrous, was interested to the amount of four or five thousand acres of the most valuable land (situated immediately

opposite to the seat of government), would have failed to recollect the existence of this all-important link in the chain of title. Thus, as in the case of Ufford and Dykes, so in the case of Hancock *vs.* McKinney, it is managed to obtain the admission, and to avoid all question as to the authority of Williams to sell the land.

So it appears, that of the parties, Judge Watrous and his counsel, Robert Hughes, at least, went into the La Vega land speculation, their attention directed, especially directed, to the power of attorney from La Vega to Williams, which they had to look to as the principal link of title.

The investigation touching the official conduct of Judge Watrous, which was had in the Thirty-fourth Congress, was made in the most deliberate, pains-taking, and thorough manner. Distinct votes were taken at different stages of the proceedings. Nearly the whole available time of the session was devoted to the examination of the records offered in support of the charges, which records in fact composed the entire evidence in the cases.

With respect to the charges assigned by Spencer, the committee found a verdict against the judge, and proclaimed that "he had given just cause of alarm to the citizens of Texas, for the safety of private rights and property, and of their public domain, and had debarred them from the rights of an impartial trial in the federal courts of their own district."

This judgment was followed up, and in its conclusions enforced by a moiety of the present Judiciary

Committee, in whose elaborate and conclusive report the following finding of the facts is included:

"That while holding the office of district judge of the United States, he engaged with other persons in speculating in immense tracts of land situated within his judicial district, the titles to which he knew were in dispute, and where litigation was inevitable.

"That he allowed his court to be used as an agent, to aid himself and partners in speculation in land, and to secure an advantage over other persons with whom litigation was apprehended. That he sat as judge on the trial of cases where he was personally interested in questions involved, to which may be added a participation in the improper procurement of testimony to advance his own and partner's interests."

Into the merits of the legal question, with respect to the appeal sought to be taken by Mussina in the Cavazos case, I do not propose to inquire. It is indispensable, however, to insure a clear understanding of the case, and to complete its history, to notice the matter, and to read here the judgment pronounced on this branch of the Watrous case, by the following honorable gentlemen, composing a moiety of the House Judiciary Committee before alluded to: Messrs. HENRY CHAPMAN, of Pennsylvania; CHARLES BILLINGHURST, of Wisconsin; MILES TAYLOR, of Louisiana; and GEORGE S. HOUSTON, of Alabama:

"And, finally, they are prevented from having the decision against them reviewed in the appellate court, by the failure of the judge to perform his full duty to them in facilitating the exercise of the right of appeal, given to them by law, from motives of public policy, for their own private advantage."

It appears that Mussina applied to the Supreme Court

for a rule for a *mandamus* against Judge Watrous, who had, as he conceived, refused or defeated his application for an appeal, which was within the time prescribed by the law. To this Judge Watrous answered, and sustained his answer by the testimony of Cleveland, Parker, Jones, Love, and son. It is revealed in the testimony that William G. Hale was here in Washington, on the spot. Mr. Love, the clerk of Judge Watrous, says:

"Mr. Hale sent from Washington city a copy of Mr. Mussina's affidavit before the Supreme Court of the United States." "I got four or five affidavits, and enclosed them to Judge Watrous. All of us [i. e. *Cleveland, Parker, Jones, his son,* and *himself,* all creatures of the court], agreed in making the affidavits on our own recollection."

It is unnecessary to review the testimony of these witnesses before the House committee. A mere inspection of it will present the contradictions with which it abounds, and will show the changes and shifting of the witnesses, according as their recollections are refreshed from time to time by Judge Watrous. It would appear that on this testimony, and the statement of Judge Watrous, the rule for a *mandamus* was denied. In a further part of the testimony taken in the Judge Watrous investigation, it is shown that the Supreme Court would not permit the truth of a judge's return, in a case of this nature, to be questioned; "that by the practice of the Supreme Court, it did not allow a question of fact to be raised on the return of any of the judges on a rule *nisi* for a *mandamus*, but took the judge's return as absolutely true in relation to the facts." I ask honorable

Senators to pause here. I beg them to consider to what this question of appeal from Judge Watrous' court has reduced itself. I ask, has Judge Watrous proved himself the man of truth and honor, that his word should not be permitted to be questioned? Is he the man whose statement should not be gainsayed? Is he the man to be continued in a position where his statements are to govern and override all contradiction? Is he the man to remain on the bench?

It has been shown now, what steps were taken by Judge Watrous and his court officers to baffle, and finally defeat, the appeal of Mussina.

Thus was the right of appeal, a right so absolutely recognized as essential to the interests of justice, and so important with reference to public policy, denied the petitioner. Such, indeed, was a fitting conclusion to the series of acts of collusion, tyranny, and oppression, which had signalized the action of the judge in the celebrated Cavazos case.

As to the final act of collusion on the part of Judge Watrous and his confederates, in preventing Mussina's appeal, the judgment of the committee in the Thirty-fourth Congress is so strong and clear, that if I could afford the time, I might comment at length upon the deliberate and atrocious circumstances that mark this last act in the Cavazos case.

But even apart from this, there appear additional reasons why an appeal was not taken in the Cavazos case, even if it had been possible; or why an attempt was not made at an earlier day, despite of the machina-

tions to prevent it. There were reasons to esteem the record as partial, collusive and false; and a party might well hesitate to risk his case upon such a record. He might well fear the effect of a made-up record; and one made up, too, as the testimony would show, under the eye of William G. Hale, the chief actor in the scenes we have described.

But I conceive a special and particular reason to prevent a party from risking his rights on such a record as that in the Cavazos case. I allude here to one of the most open and bare-faced acts of collusion possible to be imagined, having been countenanced by the judge, and put falsely upon the record, so as to operate to the particular prejudice and detriment of Mussina. This circumstance alone will furnish an ample explanation of Mr. Mussina's much accused delay in taking an appeal.

It appears that by collusion, and in defiance of law and justice, Robert H. Hord was called by the complainants, and made a witness for them, on the trial of the Cavazos case. Thereupon, having been sworn on his *voir dire* to testify as to his interest, the solicitor of Jacob Mussina, one of the defendants, put the following questions to him:

"Have you, or have you not, any understanding or agreement with the complainants, or either of them, or their agent or solicitors, in relation to the determination of this cause, or of any of the matters involved therein, adverse to any interest or right claimed by Jacob Mussina in any property or rights involved in this suit? Are you, or not, interested in any such understanding or agreement?"

This question Mr. Hord refused to answer, and, there-

upon, the court decided "that the question need not be answered."

As to this ruling of the court, the committee of the Thirty-fourth Congress say unanimously:

"The court permitted Robert H. Hord, counsel for defendants, and witness covertly interested, to testify at the hearing of said cause, and sustained his refusal to answer the following proper and legal question, intended to show that he had a collusive interest adverse to Jacob Mussina."

And a moiety of the committee of the present Congress sustain this view by the following declaration of judgment:

"The refusal of the judge to compel the witness (Hord) to answer the questions propounded to him by Mussina's counsel, and then permitting the witness to testify to a fact material to the issue, and in opposition to Mussina's interest, was, we think, in violation of law.

"The action of the judge, in the instance spoken of, seems to be subversive of all recognized principle, and to admit of no excuse."

The testimony of Hord, which the court admitted, was of great importance. It went to the main question of the genuineness of the title of complainants. His testimony was important, as against Mussina, and others of the defendants: and it further appears that with Mussina he had held the most confidential relations, having been his agent and attorney.

It appears further, from the testimony before the committee, that long before Mr. Hord was thus examined as a witness, he had made a collusive agreement with the man Treanor, who was acting as the agent of the com-

plainant, Cavazos, and who now called him as a witness. It is shown in the testimony that Hord held an instrument of writing, purporting to be a sale, or contract of sale, to himself and partner, of the town tract of Brownsville, which was the principal subject-matter of the suit, which was signed by John Treanor, as agent for Cavazos and wife; and the suit was continued, and Hord offered as a witness, simply to carry out this fraudulent arrangement.

This revelation is not only important, as going to show the collusive interest of the witness Hord, but it throws further light upon the wretched system of fraud to which Treanor, this useful agent and witness of Judge Watrous, was a party.

It would seem to be an excess of oppression, thus through collusive management to use a party as a witness against his client and friend, and to deny him the privilege of examining such witness as to that collusion. But the record is falsified still further to take advantage of this testimony; and Mussina is to be bound hand and foot, so as to preclude all possibility of his contesting his rights upon a fair and honest record. Not satisfied with foisting upon the case the testimony of Hord, as a witness of the complainant, the "statement of proceedings," which is signed by Love, the clerk of the court, makes it appear that this testimony of Hord *had been offered by Mussina*, and other of the defendants. Love, in his testimony before the committee, in answer to the question "by whom was the original statement of proceedings made?" says:

"I do not know certainly; but I believe the original was presented to the clerk of the court by Mr. Hale, for him to verify by the endorsements on the papers filed."

Thus is falsehood added to falsehood; thus is the truth of the record prostituted to collusive designs; and at last, by its falsification, is Mussina left without anything on which to hang even a hope for the recovery of his rights.

Indeed, every circumstance about the record was calculated to inspire suspicion of its integrity. The translations of some of the most important documents in the case had been made by Hale; and although he was not sworn, he was allowed to withdraw the original documents from the file; the translations which he substituted were admitted by the court; and thus again was the record of the case governed by this colluding and unscrupulous attorney, who holds an absolute conveyance for the larger portion of the property.

No wonder that Mussina was unwilling to trust to the integrity of the record thus made up under the eye and direction of his adversary. Nor does he appear to have been timorous without reason. Sir, it appears by the testimony before the late investigating committee, that, in a suit which he instituted in New-Orleans, against the parties who had colluded in Judge Watrous's court, to despoil him of his rights, a false record was sent up from Judge Watrous's court; false, too, in the most important and vital particular. In the examination of the record, it was found that an affidavit had been falsified by striking from the very middle of it an important por-

tion of the evidence. Against men who dared thus to do an open act of infamous crime, Mussina had to contend from first to last. Other and glaring evidences of collusion are to be seen in this "statement of proceedings," and, indeed, throughout the record as sent up to the Supreme Court.

It appears that the Judge's partnership speculations were of the most various kinds. He not only was interested in the fraudulent certificate business; he not only engaged in speculations with a company of professional dealers in real estate; but he had other partnerships by which to sustain his fortunes. He taxed his ingenuity in contracting partnerships of every description.

The testimony shows that he even obtained partners in the ownership he claimed of a patent for curing beef, and of an extensive beef-curing establishment.

But it is found that he went into another partnership of much more questionable honesty than the beef-curing speculation. He became connected with Dr. Cameron in a silver mine of Mexico. This partner was a principal litigant in his court, and had heavy suits pending therein to large tracts of land under Mexican grants; of course it became the judge's interest that his partner should harvest his means; and to the extent of this interest, he necessarily vacated his office.

I must here advert briefly to another gigantic speculation, with which Judge Watrous is shown to have been connected. I refer to what is known as Peters colony; which was a contract of colonization of more than ten

thousand square miles of land in Texas. William G. Hale, in his correspondence with Judge Watrous, from which I have already read, makes allusions to the progress of negotiations on the subject. In his letter, dated March 14, 1847, to Judge Watrous, he remarks, "we have had a long interview with Mr. Hedgecoxe (the agent of Peters colony grant), and are arranging matters."

It further appears that the Hon. Caleb Cushing was employed as the attorney for this association, which is known to have numbered among its members men of the highest station and most powerful influence in the land; and that when elevated to the high office of Attorney General of the United States, he gave an extra-judicial opinion in favor of the claim of the company, which will be found in the published opinions of the Attorney Generals.

It was this former attorney for the association, with which Judge Watrous was connected, who was called to his aid when pressed by the investigation before the committee of the House, and who acted as his counsel and defender throughout that emergency. I mention this only to illustrate the ramifications and varieties of the influences brought to sustain Judge Watrous whenever occasion required, and the extent of which baffles imagination, and leaves us at a loss what to conjecture.

I will here bring to the notice of this honorable body a letter addressed by one of the managers of Peters colony grant to Judge Watrous, after his elevation to the bench:

"LOUISVILLE, KENTUCKY, *January* 15, 1847.

"DEAR SIR: I am just in receipt of your letter of the 22d ultimo, and upon presenting it to the trustees of the company who manage its affairs, they instructed me to say to you that the transfer of their cause by you to Messrs. Johnson and Hale, meets their entire approbation. Relying upon their knowledge of your own ability to select for them, they have addressed a note to Messrs. J. and H., but if it should not reach them, please do us the favor to say to them that their selection is satisfactory, and that we hope they will investigate the matter thoroughly for trial. Our agent in the grant, upon whom the process will be served, is Mr. Henry O. Hedgecoxe, McGarrah's post office, Texas—the county I do not know, as the grant has been divided within a year into three counties. If they require any information from us, we shall promptly give it to them. I am pleased to learn that you have received and accepted the appointment of judge of the Federal Court of Texas. I do you but justice when I say that I believe, from the reputation you have among those whom I know to be competent to decide, that you deserved the appointment; and I am also satisfied that, if our case should come before you, we shall have both law and justice rendered us, so far as it is dependent on your decision.

"Please accept my best thanks for your attention and comunication, and believe, very respectfully, &c.,

"JNO. J. SMITH.

"TO JUDGE J. C. WATROUS."

The fact is thus revealed that Judge Watrous had been counsel in this case before going on the bench, and that in assuming the judicial office, he had turned over the business he had been managing to Hale and Johnson, the attorneys he had imported into Texas to aid in the accomplishment of his purposes. The writer of this letter, one of the persons who had employed the Judge in this case, congratulates him on his promotion to the bench, and says:

"I am also satisfied that if our case should come before you, that we shall have both law and justice rendered to us, so far as it is dependent upon your decision."

Thus writes the client to his lawyer who had been made Judge, and who is congratulated on the *justice* with which he will decide the case in which he had been counsel.

It may well be imagined what influences this conspiracy must have possessed itself of and wielded for evil, when it is seen how a memorialist who dared to ask for the impeachment of Judge Watrous has been hunted, traduced, and threatened, to deter him from the prosecution of his remedy before Congress. Leading presses have been subsidized to devote their columns to his abuse, and to the circulation of absurd slanders. Great influences must certainly have been employed to procure this wholesale and unqualified personal abuse, when we reflect upon the endorsements Mr. Mussina has received with respect to the truth and justice of his complaints. The assertion of his wrongs has been sustained by the unanimous report of one committee of Congress; the findings of this committee have again been endorsed by a moiety of the present House Judiciary Committee, and those of this committee who dissented have been willing to admit that they had not examined the charges assigned by Mussina with care. With such endorsements of his verity, and the fact being considered, too, that the judge he accuses had been previously charged by the sovereign State itself, what influences may we not imagine to have been employed to so pervert the truth?

In the history I have stated, of the conspiracies, collusions, and frauds, in which Judge Watrous was an active party, I have not attempted to comprehend all the malfeasances of the judge. The record of these might be greatly extended. But I have only intended to give a sketch of the most prominent and notorious of his misdeeds. In doing this I think I may claim that I have not indulged in mere assertions, nor in any statements, unless sustained and accompanied by the evidence. I think that I have not commented with violence upon any of the revelations of the Judge's offences. I have had no disposition to indulge in denunciations, and I have sought only to marshal the facts for the calm consideration and judgment of this honorable body. With respect to the malfeasance of the judge in the cases of Mussina and Spencer, I have been governed in my statements by the letter of the testimony, taken by the House committee in the investigation of his conduct. I have followed this testimony strictly, I believe, and with no other anxiety than that of arriving at those legitimate conclusions of fact, which it inevitably leads to and warrants.

In drawing to a close the brief history I have attempted to narrate of the frauds which were conceived, set on foot, and promoted by Judge Watrous and his confederates, a portion of whom, at least, are known, it will be well to make a slight review of the principal facts, so as to hold clearly in the mind correct and proportionate ideas of the vast conspiracy, of the details of which I have spoken at length.

It appears that the company was organized on a scale of most extraordinary extent; and that its ramifications, as far as known, reached from State to State, to the most distant points of the Union, and that, as far as they are unknown, they may well be imagined to extend to existing sources of power, anywhere in the country. The objects about which this combination was employed have been shown to have been of the most comprehensive and varied character. But seldom, indeed, has any record of crime offered more convincing proofs of guilt, or displayed more numerous and more ingenious varieties of transgression, than that written in the history of the Watrous conspiracy.

Every object that cupidity could devise, or that fraud could suggest, seems to have been embraced in the designs of this stupendous company.

It was its object to plunder the public domain of Texas, to seize upon it by fraud and forgery, and to fasten upon whole communities the most audacious frauds ever sought to be practised upon State or people.

It was its object to deal in fraudulent land certificates, and to sustain these dealings by corrupting and seducing the courts, thus adding crime to crime. It has been seen that the most open propositions of corruption were made, and the traffic was carried on with the direct countenance and assistance of Judge Watrous, whose agent explored the bar-rooms and groggeries of the State for customers.

It was its object to conceal their operations, and especially to remove them from the action of Texan juries. For

this service it has been shown how the machinery of Judge Watrous's court was employed, and how, in that court, the great suit of Phalen *vs.* Herman, seeking to substantiate these worthless certificates, was instituted, and removed out of the State in less than seventy-two hours, and that done out of term-time.

It was its object to plunder private property, and to secure to its members vast bodies of lands in Texas, and to despoil the settlers of their just and hard-earned rights.

It was its object to acquire interests in land within the jurisdiction of Judge Watrous's court; to further these speculations by the corrupt use of that court; and through its protection to escape responsibility to Texas juries.

It was its object to have the federal court absolutely subservient to its designs; and for this purpose servile juries were sought to be selected, and an order made by Judge Watrous to exclude from jury duty citizens of four counties, which counties embraced the chief portion of the company's known field of operations.

It was its object to impose upon the courts a forged muniment of title to a vast estate, and to sustain the forgery by perjured and purchased testimony. The whole history of the forged power of attorney is overwhelming in its evidence of the black and redoubled crime of Judge Watrous and his confederates, in seeking to sustain a forgery of the most monstrous description, by devices of fraud, by bolder acts of bribery, and, at last, by direct subornation of perjury.

It was its object to betray suitors in Judge Watrous's court, by collusion between the court and counsel, and between opposite counsel, and to divide out among themselves the gains.

It was its object to oppose all unfriendly parties who attempted to sue in the federal court, and, through the favor of this judge, to practise revenge upon them, to strip them of their rights, and to mock them.

All these stupendous and vile objects were sought to be accomplished through the subserviency of Judge Watrous's court, and by the aid of the corrupt appliances he possessed. The whole conspiracy centred in him; and for the sum of all its wrongful acts he is to be held responsible.

How shall this fearful responsibility be exacted? This honorable body cannot do it; it cannot administer the punishment, or series of punishments, that the black record calls for. But although it cannot visit a felon's doom upon the culprit, it may banish him from the offices of the State. The least it can do is to deprive of further opportunities of further wrongs, a judge who has disgraced his station and defiled his ermine, and stricken dismay in the hearts of the people. This is all that is asked for; simply that Judge Watrous's opportunities, as a judicial officer, of continuing with impunity his offences, may be limited by the passing of the bill I have offered. And in making this least request, I appeal for your compliance in the name of a noble, outraged people; and in the name of interests which are even higher in their appeal to you—those of the honor of this government as residing in the character of our federal judiciary.

Mr. President, I shall for only a few moments longer occupy the attention of the Senate. This has been a most extraordinary case. It is one that appeals to the integrity, to the consideration, and to the reflection of the Senate. These disclosures of criminality, the evidence furnished by his confederates, the extraordinary character of his judicial decisions, his tyranny, his unprecedented despotism in judicial action—all these things seem to present it as the only alternative that we should get rid of this man in some way.

Why, sir, the temptations of twenty-four million acres of public domain, and the corrupting influences of a combination so extensive and extraordinary as this has been, are calculated to engulf all the interests of the State. There is a mode of remedy that has heretofore been resorted to, and can be again. By consolidating the two judicial districts of Texas into one, we can get rid of this intolerable incubus; we can divest ourselves of this calamity. Texas, in all that she has ever felt in her days of extreme excitement to the present day, has never felt so keenly the afflictions of revolution as she feels this moral curse, and this judicial iniquity upon her. She has passed through many trials, but none that compare to this. This promises an interminable duration: we know not when we are to get rid of it. Twenty-four million acres of land! there is magic in its sound—magic in the number of acres. It is a kingdom; it is an empire worth fighting for; and it will be fought for; and it admits of divisions and subdivisions. Where it is to go, through what ramifica-

tions it is to run, no one knows. No one knows the artifice that is now used, and the means that are to be employed, in these and other speculations in Texas referred to. Sir, rid us of this man; give us an honest judicial officer. The people of Texas, of Anglo-Saxon descent, are an honest people. It is that which causes them to feel this curse with tenfold wretchedness. They are not capricious. No other people, with the manifest outrages that have been there committed, would tolerate this man to sit on a judicial bench, and to remain in a position where he could soil his ermine, and attach infamy to his office. Sir, our people have been always submissive to law, or enough of them to maintain the solidity of our community; and though men have gone there in other days—and I was among the first emigrants—who may not have lived here under the most favorable and delightful circumstances, yet they have united all their energies, they have made themselves a people, and they deserve to be considered as such.

The gentlemen who have thought proper to reflect on their character, and even this judge himself, would find that they themselves would come up to a very low standard of Texan morality. I insist that we be relieved from this judicial monster, that has disgraced the judicial system of our government more than any man has ever before done, and whose crimes are but partially exposed to the public, notwithstanding he has sunk deep, deep in the slough of infamy. I wish this bill read.